

# 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

The Chair laid before the House the following matter: Bill "An Act to Provide for Community Residential Treatment Provider Contracts to Ensure the Financial Stability of Private Nonprofit Group Care Providers" (H.P. 1014) (L.D. 1415)(Committee on Appropriations and Financial Affairs suggested) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Establish a Fund to Provide Education for Emergency Medical Service Personnel Statewide and to Provide Matching Funds for Equipment for Emergency Medical Services" (H.P. 1003) (L.D. 1401)(Committee on Transportation suggested) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Crowley of Stockton Springs,

Adjourned until Tuesday, May 2, 1989, at twelve o'clock noon.

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

In Senate Chamber  
Monday  
May 1, 1989

Senate called to Order by the President.

Prayer by Reverend George Frobig of the Sebago Lake Congregational Church in Standish.

REVEREND FROBIG: Let us pray. Dear God, Creator of this planet and of our little corner of it, we pause to thank You for the lives we live and the work we pursue. We ask that You grant us awareness of our obligation and opportunity to serve the people. Keep ever before us our sacred duty to serve the people of our several home towns, of our common state, and of our brothers and sisters beyond this state. May we be found doing Your will, by showing compassion and justice to the people of this state. In Christ's name. Amen.

Reading of the Journal of Thursday, April 27, 1989.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Allow Graduates of the Department of Corrections Vocational-electrical Program to be Eligible to Apply for the Journeyman-in-training License"

S.P. 69 L.D. 57

In Senate, April 24, 1989, PASSED TO BE ENGROSSED.  
Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-110) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Change the Process of Selecting the Commissioner of Educational and Cultural Services"

S.P. 205 L.D. 483

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In Senate, April 26, 1989, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Comes from the House with the Reports READ and Bill and Accompanying Papers RECOMMENDED to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

On motion by Senator BERUBE of Androscoggin, the Senate ADHERED.

The Secretary has notified the Speaker of the House.

House Papers

Bill "An Act to Provide for Public Bell Ringing on Veterans Day"

H.P. 991 L.D. 1380

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Improve Rest Areas in Mid-coast Maine"

H.P. 992 L.D. 1381

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Acquiring Land for Affordable Housing"

H.P. 1000 L.D. 1389

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

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Maine Consumer Credit Code to Add Provisions Relating to Credit and Charge Card Disclosures"

H.P. 1002 L.D. 1391

Come from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish a License Fee Schedule for Restaurants"

H.P. 990 L.D. 1379

Bill "An Act to Correct Errors and Inconsistencies Regarding Reporting Requirements in the General Assistance Laws"

H.P. 997 L.D. 1386

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 Extend ASPIRE Transitional Medical Coverage"

H.P. 996 L.D. 1385

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

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

Bill "An Act to Ensure that Child Support Payments Benefit the Family"

H.P. 1001 L.D. 1390

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

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

Bill "An Act to Improve Retraining Opportunities for Maine Workers"

H.P. 999 L.D. 1388

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

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

Bill "An Act to Increase the Priority of Wage Claims Against Insolvent Employers"

H.P. 998 L.D. 1387

Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.

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

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

Bill "An Act Concerning Atlantic Salmon"

H.P. 993 L.D. 1382

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

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

Bill "An Act Concerning the Payment of the Sales and Use Tax"

H.P. 994 L.D. 1383

Bill "An Act Concerning the Timing of Implementation of Local Property Tax Valuations" (Emergency)

H.P. 995 L.D. 1384

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

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

SENATE PAPERS

Bill "An Act to Establish a State Arbitration Program for Lemon Motor Vehicles"

S.P. 517 L.D. 1413

Presented by Senator BRANNIGAN of Cumberland Cosponsored by Representative ALLEN of Washington, Representative CONSTANTINE of Bar Harbor and Senator TITCOMB of Cumberland Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Payment for Mandatory Overtime Work on Sundays and Holidays"

S.P. 515 L.D. 1411

Presented by Senator BUSTIN of Kennebec Cosponsored by Representative LUTHER of Mexico Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Concerning Grant of Easement (Emergency)

S.P. 516 L.D. 1412

Presented by Senator BUSTIN of Kennebec Cosponsored by Representative FARNSWORTH of Hallowell

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

Sent down for concurrence.

Bill "An Act Authorizing the Dover and Foxcroft Water District to Refinance Certain Bonds Issued to the United States of America Acting Through the Farmers Home Administration" (Emergency)

S.P. 513 L.D. 1400

Presented by President PRAY of Penobscot Cosponsored by Representative MERRILL of Dover-Foxcroft

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Committee on UTILITIES suggested and ORDERED PRINTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.

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

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Use of All-terrain Vehicles in State Parks"

H.P. 507 L.D. 687

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Reinstate Certain Preexisting Development Applications"

H.P. 850 L.D. 1182

The Committee on TRANSPORTATION on Bill "An Act to Mandate the Use of Headlights during Inclement Weather"

H.P. 707 L.D. 968

Leave to Withdraw

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Appropriating Funds for the Chester Dental Clinic

H.P. 175 L.D. 240

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Brian Dreher of North Whitefield to Bring a Civil Action against the State of Maine

H.P. 704 L.D. 965

The Committee on TAXATION on Bill "An Act to Collect Maine Sales Tax on Mail Order Items Entering the State"

H.P. 558 L.D. 756

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Subpermitting of Moose Hunting Licenses"

H.P. 677 L.D. 928

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 STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1989 (Emergency)

H.P. 989 L.D. 1378

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

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

Which Report was READ and ACCEPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Require a Tax Map Reference on a Declaration of Value"

H.P. 404 L.D. 547

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Relating to Ordinary Death Benefits Under the Maine State Retirement System"

H.P. 625 L.D. 848

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-103).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-103) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Laws Relating to Notaries Public"

H.P. 241 L.D. 353

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-105).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-105) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify Maintenance of Private Roads and Ways by Municipalities"

H.P. 271 L.D. 383

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-84).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-84) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement the

Governor's Study to Regain Full Use of Maine's Class C Rivers"

H.P. 533 L.D. 718

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-102).

Signed:

Senators:

ERWIN of Oxford  
KANY of Kennebec

Representatives:

SIMPSON of Casco  
MICHAUD of East Millinocket  
COLES of Harpswell  
JACQUES of Waterville  
GOULD of Greenville  
MITCHELL of Freeport

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

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

DEXTER of Kingfield  
LORD of Waterboro  
ANDERSON of Woodland

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-102).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-102) READ.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-102), in concurrence.

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Prohibit Discrimination Against Persons with the Human Immunodeficiency Virus for Purposes of Insurance Coverage"

S.P. 196 L.D. 444

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-66).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-66) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator EMERSON for the Committee on TAXATION on Bill "An Act Relating to Tax Exemptions" (Emergency)

S.P. 236 L.D. 566

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-67).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-67) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act Relating to Contracts Administered by the Department of Transportation"

S.P. 247 L.D. 577

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-68).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-68) 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 Promote Coyote Control"

H.P. 146 L.D. 198  
(C "A" H-96)

Bill "An Act to Allow School Districts to Waive Up to 5 Days of Kindergarten for Screening"

H.P. 243 L.D. 355  
(C "A" H-101)

Bill "An Act to Amend Certain Portions of the Maine Legislative Retirement System and the Maine Judicial Retirement System to Make Them Comparable to Similar Portions of the Maine State Retirement System Statutes"

H.P. 556 L.D. 754  
(C "A" H-99)

Bill "An Act to Provide Motor Vehicle Registration Plates to Surviving Spouses of Prisoners of War"

H.P. 570 L.D. 774  
(C "A" H-100)

Bill "An Act to Amend the Definition of Teacher in the Laws Relating to the Maine State Retirement System" (Emergency)

H.P. 656 L.D. 890  
(H "A" H-106; C "A" H-93)

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

Senate

Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in Maine"

S.P. 357 L.D. 958

(See Action Later Today)

Bill "An Act to Allow Automatic Teller Machines on the Maine Turnpike"

S.P. 403 L.D. 1047

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Increase the License Fees for Hospitals and Long-term Care Facilities"

S.P. 163 L.D. 320  
(C "A" S-61)

Bill "An Act Concerning Transportation Expenses for Former AMHI Patients"

S.P. 246 L.D. 576  
(C "A" S-62)

Bill "An Act to Ensure Proper Representation on the Region II Crisis Intervention Program Advisory Board"

S.P. 325 L.D. 862  
(C "A" S-63)

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

Sent down for concurrence.

ENACTORS

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

An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules

S.P. 132 L.D. 217  
(C "A" S-44)

An Act to Allow Raffling of Livestock by Charitable Organizations for Charitable Purposes

H.P. 200 L.D. 280  
(C "A" H-78)

An Act to Increase the Compensation of the Board of Dental Examiners and Secretary-Treasurer of the Board

S.P. 168 L.D. 325  
(C "A" S-45)

An Act Concerning Antique Automobiles and Horseless Carriages

H.P. 429 L.D. 594  
(C "A" H-81)

An Act to Provide Consumers Notice of Restaurant Foods Containing Monosodium Glutamate

H.P. 494 L.D. 674  
(C "A" H-82)

An Act to Clarify the Motor Vehicle Law Concerning the Operation of Motorcycles

H.P. 501 L.D. 681  
(C "A" H-80)

An Act to Provide a Penalty on Delinquent Public Utilities

H.P. 568 L.D. 772  
(C "A" H-85)

An Act to Allow the Department of Human Services to Share Information with Support Teams for Foster Parents

H.P. 642 L.D. 876

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

Emergency

An Act to Amend the Real Estate Licensure Laws

H.P. 31 L.D. 31  
(S "A" S-56 to C "A" H-73)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning the Regulation of General Use Pesticides

H.P. 135 L.D. 179  
(C "A" H-77)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Prohibit and Provide a Penalty for Trespass by Animals

H.P. 153 L.D. 205

(H "A" H-92 to C "A" H-79)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Local Revenue Sharing and Promote Recycling" (Emergency)

S.P. 234 L.D. 564

Ought to Pass As Amended

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Redesign the Structure of the Board of Environmental Protection (Emergency)

S.P. 276 L.D. 722

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-71).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-71) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regulating Activities Adjacent to Great Ponds"

S.P. 304 L.D. 802

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-72).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-72) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning the Inspection of Dams" (Emergency)

S.P. 331 L.D. 868

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-70).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-70) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement the Governor's Study to Regain Full Use of Maine's Class C Rivers"

H.P. 533 L.D. 718

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-102)

Minority - Ought Not to Pass.

Tabled - May 1, 1989, by Senator DUTREMBLE of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-102), in concurrence.

(In Senate, May 1, 1989, the Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence. The Bill READ ONCE. Committee Amendment "A" (H-102) READ.)

(In House, April 27, 1989, 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-102).)

On motion by Senator LUDWIG of Aroostook, Senate Amendment "A" (S-69) to Committee Amendment "A" (H-102) READ.

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 first Divided Report to come out of the Energy and Natural Resources Committee in the 114th Legislature. I am sure that each of the Joint Standing Committees takes pride in the dedication of its members and the amount of time spent in listening to the testimony of experts in their field and members of the public before voting on an issue. However, if you were to keep track of the number of hours spent in Committee each week, you would find that very few spend more time than we do in dealing with very complex issues which require immediate solutions to problems which effect all of our citizens and which should have been solved yesterday. The pressures are enormous. There is not a single member of this Committee who does not want to protect and improve the quality of the air we breathe and the water we drink. This is a commitment that we all share. In the case of L.D. 718, I believe the vote was taken after too many long hours of deliberation, out of a need to say the pollution of our rivers must stop, but the vote showed too little consideration for those charged with cleaning up the rivers and for setting up a realistic, workable, long-lasting solution.

There is a tendency in state government to put off dealing with issues until we are in the midst of a crisis. Then, in reaction to panic from the public, we say, "stop what you are doing right now" and, unfortunately, we do it without providing a viable alternative. So, when the affected party says, "but what can I do instead?" We say, "we will deal with that after you stop polluting." This is what we did with our municipal dumps when we finally recognized that most of them were polluting our ground water. "Close them" came the order "and send your trash and waste to energy plants." We fail to plan for the future and to determine where to put the ash from these garbage burners and it looks as though we are getting ready to jump the gun again. There is no question that the paper industry effluents discolor the water in our rivers and streams. It is largely overlooked that other sources, including municipal discharges, contribute more than half the color found in these same waters, but we are not asking them to fund or meet the same standards for

lightening the water. The standards proposed in this legislation would limit any waste water discharge from a single source to twenty units of color. Can anybody in this Chamber tell me what that means? Can anyone in this Chamber tell me what technology exists today to meet this standard? No other State in the Union has adopted statewide color standards, so please tell me why Maine should arbitrarily pick numbers based on a single experiment and research conducted over ten years ago and naively assume that the technology exists to meet those numbers. We don't even know if we are setting the standards in the right unit. Maybe it would make more sense to set the standards according to the pounds of color discharged per ton of paper pulp produced. We simply do not know at this time.

The Amendment, which I am offering, establishes a firm target date for the industry to remove obnoxious color, odor, and foam from our waters. The Department of Environmental Protection has entered into an agreement with the paper industry to determine the color unit limits which should be established. A detailed company by company study is needed before a feasible plan of action can be implemented. My Amendment would give them until February 1990 to come up with the answers. That is nine months from today. Given the enormity of the problem, an extension of nine months does not seem to be an inordinate amount of time. In fact, it is only when you are awaiting the birth of a child that nine months seems endless. In this case, we are demanding the rebirth of an entire industry, an industry which employs roughly twenty thousand of our people. God willing, we will all still be here in nine months and in a much better position to make an informed judgment. Let's do it right this time. Let's get all the facts before we act and then let us work together to clean up our rivers and to do the job properly. I urge you to support this Amendment. Thank you.

Senator LUDWIG of Aroostook requested a Division.

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. I urge you to turn down the Amendment that is being offered by the minority members of the Committee and go with the majority members of the Committee, who are offering a very reasonable proposal to finally help finish the job of cleaning up our rivers. It is interesting how this Bill originated. The Department of Environmental Protection held some hearings a while back on what the classification of the Kennebec River and the Androscoggin River should be and the Department was rather surprised at the response it got. It had over four hundred citizens, and these were everyday citizens not people representing special interests of any kind, demand that they get the use of their rivers. They were not satisfied with the job the State of Maine had done. The State of Maine had started to clean up the rivers, started, but had not completed. All the public saw was delay, stall, and more postponement and it really requested that they finally get to use their rivers for recreational purposes.

The Department of Environmental Protection took that testimony very seriously and made a recommendation to the Governor using some standard definitions and terms that are used in the industry for cleaning up the color, odor, and foam. It actually used an old paper company study, which it recommended certain parts that would be a standard that should be met. The Governor chose not to go with the recommendations of the Commissioner of the



Department of Environmental Protection, but instead to postpone, again, the further clean up of the rivers. Yet, the Commissioner of Environmental Protection, in his testimony before our Committee, mentioned that "the technology to control color is available and no doubt that Maine citizens feel that their use of our rivers is limited by the color, odor, and foam." The public hearings and newspaper articles document that fact. "The proposed standards for color contained in the Bill are taken from the Department Report and were submitted by the National Council for air and stream improvement. Twenty and forty color unit increases suggested in the Bill represent the color changes that can be perceived by fifty and ninety percent of the people, respectfully. As stated in our Report, these color standards represent goals which can be achieved in Maine rivers with existing technology."

There is no reason for more delay, there is no reason to go with the Amendment before you, which has no compliance schedule, it is opened ended. I urge you to reject that and go with the majority of the Committee, which believes that we should clean up our rivers and certainly believes that the paper mills can afford this. I checked around with some of the paper companies to find out what their net incomes had been in the last couple of years: James River, two hundred and nine million dollars in 1988; Scott, four hundred and one million dollars in 1988; International Paper, seven hundred and fifty-four million dollars in 1988; Boise Cascade, two hundred and eighty-nine million dollars in 1988. I really don't think we are asking too much. Actually, we are not asking for immediate compliance in the Majority Report. We have a time schedule which is very reasonable. In fact, it is not as harsh or as demanding as what the Commissioner of the Department originally proposed to the Governor. We are just suggesting that there be compliance by July 1, 1992 as opposed to 1991, which is what the Commissioner first suggested, and then if there are difficulties, we are allowing even further postponement of a schedule until 1995. Is that too much to ask the paper companies to help allow the people of Maine to share the rivers? The rivers do not just belong to the paper companies to discharge their contaminants, they belong to all of the people of Maine.

In the 1920's and 1930's, Governor Baxter, a Republican, spoke out in favor of finally allowing the people of Maine to have some use of their rivers. In the early 1970's, former Governor Muskie and then Senator Muskie, sponsored the Clean Water Act to help clean up the rivers of this nation having in mind the rivers of Maine, where he grew up and the state that he represented. State Senator Howard Trotsky, a Republican, made certain that log drives were ended on the rivers and the last major log drive in the United States was on the Kennebec River in 1976. Our paper companies moved some of their pulp mills away from the rivers, improved some of their waste water treatment. I remember when Scott moved from Winslow to Hinckley in Skowhegan and do you know what happened? Not only did Scott modernize its machinery, it also improved its earnings picture. Finally, it was really internationally competitive. We have been requiring more stringent environmental standards and we have had more regulations in the last several years. Has it hurt our paper companies? I say absolutely not. Look at their earnings. Please don't allow further postponement of the clean up of the rivers. The people want it, they want to share, and they want to finally be able to use the rivers also.

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 live in a city, which is separated from another city by a beautiful river if you ride along the banks. I grew up in my city of Lewiston and during those years, and that is not such a long time ago, every spring and summer brought a nauseating stench emitted by this beautiful and majestic river. The chemicals fed into it were lifted into the air and yellowed and even peeled the houses that were nearby. Recent years have seen an amelioration to the point where recreational activities are considered. Triatholons now take place, a local college trains its rowing team on the river and there are plans in the making for public picnic areas along the banks. Over the years, we have seen progress with the odor, not totally but we have seen progress, and that was simply because the companies responsible were nudged by this Legislature and they did it and they are not poorer, as we heard reports on profit status. So, it can be done. There are many people who support the Bill before us, people from my district, the Chamber of Commerce, local officials, the mayors of both cities of Lewiston and Auburn, and most importantly the people I represent.

The Bill says that a significant amount of color, odor, and foam must be removed over a period of three years. In other states, there are requirements to reduce color discharges into rivers to one hundred and thirty-five pounds of color, odor, and foam per one thousand pound of paper produced. Maine's mills discharge three hundred and fifty-five pounds of color, odor, and foam for every one thousand pounds of paper produced. A reduction called for in this Bill is from three hundred and fifty-five pounds to one hundred and seventy-five pounds. I think that is perfectly attainable.

I would like to correct a statement that was made a little earlier and that is the DEP, as you know, studied this over a period of time and traveled great distances studying other areas in this country and the cost estimated, or the cost to control this color discharge in other areas, were between fifteen and twenty million dollars, not the exorbitant amount we have heard. It was mentioned earlier that in some states not all rivers were under state regulation. Well, the states like Pennsylvania, Vermont, and Alaska have controlled the color, odor, and foam in those rivers where the mills are situated.

As private owners we can pretty much do what we want, within certain guidelines, with the properties that we own. We can restore a building, we can upkeep them, we can let it deteriorate, we can plant trees, we can harvest them, if we own the land we can do those things. But, I have yet to see a deed that indicates that any company or any individual owns the waterways of our state. They are owned by everyone, as we have heard before. If we re-utilize those resources in order to realize profit, then we should restore them to the conditions they were when we took from them. They are an unrenewable resource and I think this Bill gives us the tool and the mechanism to start cleaning up our rivers. Thank you.

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

Senator HOLLOWAY: Thank you Mr. President. Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. How does the color standards solve this foam, odor, and solid problem? Also, will it be applied to municipal systems as well, such as tanneries and textile mills?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. Going with this particular standard will help remove suspended solids. It will reduce the B.O.D., which means Biological Oxygen Demand. It will remove chlorine compounds that contribute to the formation of dioxin. Some of the papers mills in Maine are really being forced, under their federal licenses in the same time frame that we are talking about in the majority Bill, to reduce that dioxin anyway. The removal of that dioxin substantially will contribute to reducing the color and foam. We are talking about more than just aesthetics here, we are talking about some health problems that are associated with the manufacturing of dioxin and the discharge into the state's waters. In fact, on the Androscoggin, as you may know, there is a warning against the fish consumption. Unfortunately, in our fishing regulations that are distributed to all tourists and all people in the State of Maine who purchase fishing licenses, is the warning about dioxin in the state's waters. I think that is a terrible shame and a terrible embarrassment to the State of Maine that we would allow such contaminants. Also, we were talking about the removal of nutrients, such as phosphorous which will, in the long run, remove foam and odor as well. That is basically what we are talking about. Toxic substances, suspended particles, and others that really make it certain that people are simply not willing to use the rivers as swimming places or other recreational purposes, including fishing.

Your second question about the municipalities and I did hear the good Senator from Aroostook, Senator Ludwig, suggest that the municipalities have not been perhaps cleaning up their municipal waste discharges. I would like to mention that municipalities have spent over sixty-eight million dollars so far in trying to clean up their municipal discharges, that is just the local share. Actually, about five hundred and ninety-four million dollars has been spent in federal, state, and local share together to help clean up the municipal discharges and many more are being forced.

Another Bill that will probably be coming out of our Committee, unanimously, will require the areas around Waterville and Skowhegan to spend millions and millions of dollars further separating the storm water so we don't have the combined sewer outflows. Municipalities are doing this, but we are told by the studies and we have plenty of technical information to share with any of you, that most of the color and most of the foam comes not from municipal discharges at all, but from the paper companies, particularly those pulp mills using a kraft process.

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

Senator HOLLOWAY: Thank you Mr. President. Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. I would like to pursue the question as to exactly how does the color standards solve the problem? That is my question.

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. What the

constituents of the color are the contaminants such as the dioxin discharge, suspended particulates and others cause that darkening color and that is why the technical term are color parts. But, we are really talking about numerous constituents in those and that discharge can be cleaned up and further treated so that what results in color, odor, and foam can be lessened.

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 appreciate the good comments of the Senator from Androscoggin, Senator Berube, and other Senators from the areas that have been affected. I have been in the Senate for a while and I remember the time that a horse was shot in the town of Auburn and a Bill was introduced for the discharge of fire arms because of the incident that had occurred. At that time, a freshman Senator had introduced it and realizing upon further discussion by this Body and the Committee that what we were doing was passing a state law, because of an incident that had occurred in a community. While that is good and merits discussion, the important overriding concern is a statewide policy. In our area we have the Penobscot River, which is being hailed as one of the cleanest, it has the salmon coming back, it is a tremendous fishing area. We have had tremendous fights about building dams there because of what it would do to the salmon pool. Right up the river from there is the James River Paper Company plant and they have been operating there for quite a period of time and the river is being cleaned up, the fish are coming back, and the fish are spawning and it is a tremendous combination of industrial and recreational things in our community. One of the things that is a concern to some of the people in that area is that foam and some of the other things build up residue on the river, but this Bill does not address that. This Bill addresses color, it addresses a statewide standard for color, it doesn't take into consideration the differences that delineate one area of the state from another area of the state. If one thing ever was an overriding problem it is when we develop a statewide standard for every single community in the State of Maine to adhere to, whether they have a problem or not.

The problems that the good Senator from Androscoggin and others have talked about with the Androscoggin River are real, nobody questions that. But for God's sake for the people that don't live along the Androscoggin and live in other areas of the state and have been living harmoniously, the water has been good and clean, and fishing is taking place, don't penalize them to meet some sort of a standard because of a problem going on in a particular area of the state. I think that is why the Amendment that is being offered is saying let's use some common sense and some reasoning here and develop different standards for different areas. This Bill that is before us doesn't even deal with what happens with the rain and the silt from the rain that are coming in, it doesn't take into consideration those variables. Two good examples of a DEP run amok, or energy laws run amok, are the landfill moratoriums that we passed and then asked the DEP to develop standards and those were so long and so drawn out that those standards have just now begun to come out while landfills in our part of the state are getting ready to close down because they have no more room. We passed a moratorium because of what was going on in southern Maine and we were to develop rules and regulations, which the Department never got around

to. When you call up the Department of Environmental Protection the standard response there is that "we don't have enough people, nothing is wrong with the application, but it is going to take time to get to it." When you ask them about landfill regulations, "well we know we were going to do it by that date and we told you that, but because of this and such and not having the people, we put it off and we are finally getting around to it."

These deadlines that the good Senator from Kennebec, Senator Kany, talks about are down the road a ways, but the way our Department of Environmental Protection operates, it is not down the road far enough for them. That is the problem. We had a management firm go in and look at the Department and make recommendations, those positions haven't been fully hired and it is not fully staffed.

I guess the concern here is that when you do these things with a broad brush with the state it affects every single community and town, whether there is a problem or not. I don't argue with the good Senator from Androscoggin about the problem that permeates in her particular area. What I am saying is don't penalize other areas of the state with a broad state law that doesn't give any leeway, whatsoever, to those conditions and those communities. There are avid fishermen that would testify in opposition to this legislation because of the situation that we have. Representative Ruhlin, Ken MacLeod, these people who are avid fishermen, will tell you that the color has no impact whatsoever on the quality of the water where they are fishing. They have not had a problem where they are. That is what the concern is that I have and I think one thing that we should do with environmental laws or energy laws or those types of things is to use a little bit of common sense and I think it may take a little bit longer, but it makes a lot more sense to people that we are dealing with. Thank you.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to read a portion of Section One, subsection eight, "No individual waste discharge may increase the color of any water body by more than twenty colors. That does not single out any one business, any one segment, or any group of companies in the State of Maine." No individual waste discharge, it applies to all of them. Another section, "The Commissioner may establish a schedule for compliance with the provisions of this subsection for waste water discharges license and in existence prior to January 1, 1989. The schedule shall be as short as possible and in no case may the Commissioner establish a schedule which extends beyond July 1, 1985. The Commissioner may establish final dates for compliance. The Commissioner shall base the schedule on consideration of the technological feasibility and economic impact of the steps necessary for compliance and the impact of discharge on the existing designated use of the receiving bodies."

To me, this means that the different businesses that are concerned can hire some good consultants and do a thorough engineering study on what they have to do, what problem they have to meet, what are the costs that they will have to face, what equipment will be available for them to use. Then submit their reports to the Commissioner. If there are some major problems with the people in this Chamber and in the other Body, I am sure we will listen to what those major problems are. Thank you.

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 would like to respond to something that was said by the Senator from Penobscot, Senator Baldacci, relative to color. If he had read the Report, and I suspect he may have as all of us have read that Report, it is clearly stated in that DEP Report that if you control color then automatically the foam and the odor will be removed. The color, by the way, comes from the glue and the sap from barks on the trees and I think we can start by reviewing that process and I think we would wind up with a clean river in my area, the Androscoggin. Maybe the Senator from Penobscot, Senator Baldacci's river, the Penobscot River, I understand that he has one large paper mill there and I am sure that his constituents would be delighted.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. I am truly amazed as more days go by of the environmental knowledge that has grasp certain Senators that never had the environmental knowledge before, it came in such a short period of time. It is truly amazing. The good Senator from Androscoggin, Senator Berube, has touched on some points which probably need some more discussing, but I think the important point that has been raised here is developing a single statewide standard of an old study with no differentiation upon regions throughout the state and it is that which I argue. It is not pro paper companies or anti paper companies, it is pro common sense.

We passed legislation here on underground tanks. We have a community in Bangor that didn't have an environmental problem. They had an associate from the Department of Environmental Protection say, well if it was up to him, because it is clay, that as long as they pumped it out and plugged it with sand it would be fine with him, but the state law said they had to come out. Now, this person said it wasn't a problem, an employee of the Department of Environmental Protection, but because of a state law, they had to come out. I don't have to tell you what those landfills are doing to those poor people who are low and middle income people when it comes to taking care of those underground tanks that have to be disposed of. I don't have to tell you how many camp roads this summer are going to find underground oil tanks thrown across it in the woods because of not having to pay exorbitant landfill rates that these poor, middle income people are having to grapple with because of a statewide law. No differentiation, no common sense, a blanket statewide law. That is what we are addressing here today, that is all I want taken into consideration is that what is going on in certain areas and is not going on in other areas is taken into account without a broad state law. That is all I am asking for.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would like the Record to show that before this Legislative Session is over with we are going to have a law on the books which require the paper companies and require the beginning of a long overdue cleaning up of our rivers. I think my concern is, as a Senator from Franklin County who has heard from a lot of people for a long time, that they are tired of the Legislature mandating things without paying for them. Perhaps, the paper companies should be cleaning up the rivers and I am for that and I know the Governor is for that, the difference is the Governor's position and other members of this

Legislature feel differently about this Bill and what we ought to be passing.

The good Senator from Penobscot, Senator Baldacci, made reference to underground tanks. Two years ago, I led the fight against that Bill because it was under-funded. No one knew what it would cost. In 1984, we passed the Education Reform Act and I stood on the floor and said this Bill is not funded appropriately. What do you know, it wasn't funded appropriately and who do you think is picking up the cost of the Education Reform Act of 1984 but the towns, that is why their property taxes are going up. We passed a law several years ago requiring that all the salt sheds in this state ought to be covered up and everybody realizes and agrees that salt sheds should be covered up. We don't want salt running into the ground water, but the Legislature, once again in its wisdom, passes a law mandating and doesn't fund. Several years ago when Governor Brennan was here, we turned back hundreds of roads to my small towns and small towns all over the state and then we say that we don't have enough money at the state level to help maintain these roads, but we will give you twenty-two hundred dollars or whatever it is, which won't even pay to pave a quarter of a mile of road, but we will give you that to maintain the road. Once again, we passed a law not knowing what it is going to cost, not knowing who was going to pay for it and we definitely have not paid for it from the state level.

I have heard all kinds of figures, I heard what this is going to cost the paper industries, but I want to know how much it is going to cost the municipalities. I want to know how many municipalities in my district and in this state are not meeting the compliance that this law will put on the books. I want to know how much it is going to cost. I also want to know whether it is going to cost the paper companies five hundred million or fifty. I have been told that the cost estimated by the Department of Environmental Protection is somewhere between fifty million and two hundred and fifty million, that is quite a difference, I would say. If we are going to have a law on the books that is going to say that this is going to be done, I want to know how much it is going to cost and I think if it is going to cost the paper companies one hundred million dollars then I will say fine, we ought to enact a law that allows them to still remain competitive in this state to operate and run a business and still pick up these costs. I think they ought to be required, everyone agrees. Republicans and Democrats agree that the rivers have to be cleaned up. The question is, who is going to pay and how much is it going to cost? Before I vote for a law, any law that mandates anything to anyone, I want to know who is paying and how much it costs. Thank you.

Senator KANY of Kennebec requested and received Leave of the Senate to speak a fourth time.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I just wanted to respond to the good Senator from Franklin, Senator Webster's, question. He asked how much it would cost the paper companies to clean up the rivers to the degree sought in the Majority Report. The Department of Environmental Protection estimated that to do it in full would cost ninety-five to one hundred and seventy-five million dollars. At our hearing on this Bill, the Paper Industry Information Office, and I am sure the Senator from Franklin would agree that their figures probably are reliable from

the paper companies stand point, estimated that it would cost one hundred and fifty to two hundred and eighty-five million dollars over time to meet those standards. Now, remember we are actually giving until 1995 to meet that compliance standard, 1992 and then allowing a further three year delay. That is a lot of money, but the paper companies can afford it, they really can. Especially when we have one of them making over seven hundred and fifty million dollars last year, they can afford it and they owe it to the people of the State of Maine. We want our rivers cleaned up for the tourists, but also for all of us who love and enjoy the State of Maine and deserve to get our rivers back. The Penobscot River has been returned to the people. There was a decade when not a salmon was caught in the Penobscot River, but the industry along the Penobscot has taken it upon itself, it hasn't needed any law to clean it up, so that you could not only catch salmon, but you can even eat them. Perhaps you can catch salmon in the Androscoggin and starting now a little bit in the Kennebec, but do you want to eat them? I don't think it is too much to ask of the paper companies to clean up their act further. In the Majority Report we are only talking about additional discharges so that those industries that have been industrious and have been good citizens and cared about the people of Maine, as well as the tourists, it will not be difficult at all for them to comply. The only ones that have to spend a considerable amount of money are those that have not really yet cleaned up their act as they should. I urge the good Senator from Penobscot, Senator Baldacci, to join those of us in the majority of the Committee so that the rest of us can enjoy our river as he can his.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I rise today in opposition to the Amendment proffered by the good Senator from Aroostook, Senator Ludwig, so that we can go on and accept, in full, the Majority Report of the Joint Standing Committee on Energy and Natural Resources. Let me preface my remarks this morning by apologizing to my colleague and good friend from Penobscot, Senator Baldacci. I, in fact, do not purport to have significant knowledge in the intricacies of environmental regulations or law, so I will not attempt to take the good Senator on, on that landscape. I will point out to the Body that it is my privilege to serve as the Chair of the Androscoggin County Legislative Delegation. In that distinguished capacity, we have had occasion to discuss issues of significance to the delegation. I can tell this Body that there is no issue of more importance in our delegation this year than this particular legislative initiative.

I have been involved, in one way or another, in public affairs and government all of my adult life. I studied government when I was in college and law school. I had occasion when I was in college to serve some internships in government and I spent one summer in state government here in Augusta. My task that year was to assist in the research regarding the overall reorganization of Maine's environmental legislation, under than Representative Harrison Richardson. I truly enjoyed my task and I was struck, as I went about my research, at the abysmal progress this state had demonstrated in the task of cleaning up its rivers. I noted that in 1941, this state purported to have landmark legislation, which would insure all residents of our state the right to have decent and clean waterways. Well, that was some forty-eight years ago, people are still asking the

question, "when are we going to clean up our rivers?" I don't think I need to tell the members of this Body that when we tell people back home, "well perhaps another study is in order." That really doesn't strike home too well with the broad majority of our residents, as well it should not.

There are other concerns I have regarding the study which is being proposed. It is my understanding, albeit fragmentary, that the Department of Environmental Protection had originally suggested time lines for compliance with water standards which were roughly congruent with the standards and time lines set forth in L.D. 718. My further understanding is that the industry is proposing that we have this additional study and go on, but the study will not be conducted by a public body. The study, in fact, will be conducted by the industry itself. The study will be confidential, the rationale under it will be confidential and it seems to me that those of us who have a profound concern for the integrity of our waterways are not willing to risk compromising that value by allowing a private industry, no matter how well motivated, to have complete say over how this study will be conducted.

I praise the members of the Joint Standing Committee on Energy and Natural Resources. I am aware of the difficulties they had in trying to balance competing social, economic, and environmental interests and, unfortunately, this issue has, to some extent, become a bit politicized.

I will also make one final comment, there was concern, and I think legitimately, expressed by the Senator from Franklin, Senator Webster, and others regarding the potential impact of municipalities, were this measure to become law. I would point out that in my city, the city of Lewiston, we have a strong commitment to cleaning up our waters. We have just recently put another three million dollars into cleaning up our storm drains. We, at the local level, have taken strong action. Forty-eight years have passed since the original landmark legislation, which would guarantee all of our clean waters have come into law, the time for study and the time for delay has long since passed. I would urge you to reject the Amendment before us so we can go on and accept the Majority Report. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Franklin, Senator Webster, brought up the interesting point of who would pay for this and I would just like to point out that right now I think the people are paying already. They are paying with their health, they are paying because they can't use the rivers, and they are paying with the destruction of the environment. The people are paying dearly right now. I think the best quote we have heard here today is that "the river belongs to everybody, not just the paper companies." Right now you have a situation where people can't use their rivers.

I am going to go back a few years to when I was in high school and I used to swim in the Saco River. I can remember diving off the cliffs below the dam. I can also remember, as time progressed, coming out of water with slime all over my body and we had to stop swimming in that river. I can remember when I went to the University of Maine at Farmington and I used to have to go by the Androscoggin River every time I came home. I never saw it, it was always covered with foam.

Both of those cases are somewhat better today, but there are still problems with those rivers. You still have people who will not swim in the Saco

River, at some points. I have a boat in the Saco River and I see what it does to the bottom of the hull and if it does that to my boat it is also doing it to people's bodies. So, we have to start asking, "are we going to wait?" With all the problems we have had in the past with rivers, the Saco River, the Androscoggin River or any other river, it is because we waited. If you handle the problem before it happens, then you won't have a problem in the future. Now, I understand the good Senator from Penobscot, Senator Baldacci, said that he doesn't have a problem with his river, but that doesn't mean it won't happen in the future if they dump in that river. If you handle the problems before they happen, we would not be in the situation where we are in this Legislature this year trying to solve one hundred huge problems because we do nothing to prevent them from happening. I understand we use the word mandate around here pretty freely these days because everybody is talking about taxes and there is a tremendous problem with property taxes and how the Legislature, those evil people, mandated increases in education or salt shed removals or whatever, so we threw the word mandate around as a red flag.

You don't see the communities lobbying against this Bill today in the halls or you don't see the communities sitting in the back of this Chamber today showing a great interest in this Bill. That is because they want their waters clean like the rest of us. If there is a problem with passing a Bill like this that is going to mandate huge increases to our communities, then show us, don't just say it because it is easy to throw that word mandate around, because it scares people to death. This Bill doesn't scare me to death because this doesn't mandate anything to the communities. It mandates to the paper companies and other companies that are dumping into the river to clean up their act. That is what this Bill does. Again, the best quote I have heard today is that "the river belongs to all of us." The only way it will truly belong to all of us is when they are clean so that we can all use them. Until that time comes, it belongs to just a few of us and it is not people like me or you. It is the people who are dumping in it and that is why we need a Bill like this and that is why we should vote against this Amendment. 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 one of the more disgusting things in the Legislature that does occur is when an issue becomes partisan and it shouldn't. There are many of us that are trying to deal with these issues as issues and not as a Democrat or Republican. I think in this particular issue what we are searching for here is common sense and not what has occurred before and how it is labeled and how things need to be re-identified and labeled again. This is not a political debate on previous administrations, I don't agree with those comments, while they may be true. I don't think it is important to get into partisanship on this particular issue.

Unfortunately, this is the situation where you are put if you vote for it you are cleaning up Maine's rivers and if you vote against it or if you vote for the Amendment, you are supposedly in the pockets of the paper companies. Nothing could be further from the truth. The fact of the matter is that you are talking about reasonableness and common sense when you are doing these things. We are not putting it off for the sake of putting it off. It is my reading of this Amendment which calls for the Board of Environmental Protection, not some

independent, private group that is going to meet in the dark of night to propose standards upon review. They are going to propose it after they do their review in the different areas of the state, then they are going to implement it on a time frame. What is wrong with that? This Body confirms those people, the Committee on Energy and Natural Resources holds confirmation hearings on those people. Now, what in blazes is wrong with that? I am not pro paper company and I am not anti paper company and I am not saying that the paper companies have money to throw around or that they don't have money to throw around. The issue here is, does it make sense to do it on a statewide basis or not. I am submitting to you that the return of the salmon to the Penobscot River is one indication that this law, however well intended it is, is not needed to the degree that it may be needed, or some variation of it may be needed, in certain areas. It is that which upsets me more than anything else when we pass these laws in Augusta because they effect everybody.

I would also submit that the Department of Environmental Protection, which is so under-funded and under-staffed, trying to implement any of these recommendations should have some type of a fiscal note attached to this or we will be hearing from them later, as we usually have, that the Legislature mandated, but we don't have the people, or the staff, or the resources to do it and they will be in here again asking for more people. I submit to you that they have enough to do right now and I think the Department of Environmental Protection, if anything, needs to do a good job at what it is doing without giving them more responsibilities and expecting some solutions to problems that they are not going to be able to do without more people, more staff, and more resources. I am imploring this Legislature to do something reasonable and with common sense. I am for clean water, clean air, and clean rivers, but the bottom line is that it isn't the same all over.

We took a flight up to Presque Isle with the Taxation Committee. Senator Collins, Representative Lisnik, and Representative MacBride were there to greet us and we went right up to Baxter State Park, flew right over it and you could look down and almost touch it. You could see Chemo Pond and you could see the beauty of the State of Maine, it is just gorgeous. As we were going over that, we were talking about this color Bill that was up in the Legislature. I looked at that mountain and I thought to myself, as it rains and it runs down that mountain into Chemo Pond and it gathered in all that silt or whatever else was there, were we taking into consideration the natural causes to the water that were going on?

There is a lot more here and I just think before we go about establishing standards that were discussed way back in a study, we ought to one, update it; two, make sure that it differentiates between areas; and three, make sure that you have the people around to implement it. I don't think that is unreasonable and I am not saying no to the rivers, what I am saying is in those three areas. 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. When this Bill first came to my attention, which was about a week or so ago, I put aside a lot of other things that I was thinking about and concentrated on this for a few minutes and asked some questions of a person who was discussing the Bill with me. Of course it is about water, it is about rivers, and it is about pulp and paper mills, along with other

things in the state. Naturally, being from the area that I am, I was interested in how it affected my river, that doesn't mean to say that I am not interested in everybody else's river, because I am. I was given a chart of samples that were taken by the Department of Environmental Protection on the Penobscot River starting at the north and I can mentally go right down the river, as can anybody from that area. The Great Northern Paper Company was the very lowest in the state. It had the best record and I was pleased because that effects all the water that comes down through me. This is contained, by the way, in figure three in the draft report that you have on your desk, if you would like to find it.

Then I said, "what about Lincoln Pulp and Paper?" Lincoln Pulp and Paper is an old, old mill that has had quite a struggle. Lincoln Pulp and Paper is not bad at all, really quite fine, especially when you consider its age. As a matter of fact, the standards in this Bill that they call for, Lincoln Pulp and Paper is almost there already and that is an old mill. Then the next mill is the James River and it is the worst in the state. That doesn't please me to stand up here and tell you that, as a representative from Old Town where that mill is located. It is almost twice as bad as most of the other mills in the state are in these samples that were used for this particular report. A case can be made, of course, that maybe these were bad samples, made on a bad day, in the water below the James River mill in Old Town. But, the Penobscot River, I want to assure you, is not exempt from this problem. Thank you.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. It is sad in a way that we are all in favor of the same thing, we all want to clean the rivers, we all want to do a good job, and I seldom get up and support the Senator from Penobscot, but I think he has made some very important points. The point he has made is common sense. I have been in construction, and it takes time to do some of these things and it takes time to know what your capital expenditures are going to be.

It seems to me that these paper companies should clean up the river, they should spend the money, but there should be a reasonable period of time to get together and do what they have to do. I understand that International Paper is on the verge of putting in the equipment right now. I don't know anything about coloring the water, I don't know anything about foam, but there are some companies that might have just made an expenditure of several hundred million dollars and it may take them several years before they can get their equipment in and get it installed. Maybe these people should have time to do these things. Maybe it is not reasonable for them to do it at a certain time. I think it just takes common sense to do these things and do them correctly.

Another thing that bothers me is what the municipalities are doing. Reading the letter from the Department of Environmental Protection, dated November 25, 1987, they say "the program of storm water separation in the major communities along the Kennebec" and so forth, "time frame is six to ten years. Cost to the state is fifty to seventy-five million dollars. Cost to the municipalities is fifty to seventy-five million over ten years. The benefits, elimination of storm water overflows with the resultant elimination of untreated sewage from these rivers." The people who are talking about these things are not any more informed than I am and

I know it takes time and it takes money and we should do a good job and we should be careful how we go into these things. What is wrong with a study from the Department of Environmental Protection? That letter was just a year ago. I think we should give them time to come up with the answers to how it should be done, how it should be paid for, and we should go along with the Amendment. I think we rush into these things quite often. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I think the good Senator from Penobscot, Senator Baldacci, is absolutely correct when he said this should not be a partisan issue. If I went to the people of this state at random, I wouldn't ask them if they were a Democrat or a Republican to ask them what they thought of the waters in the State of Maine and if there was a Bill before the Legislature to possibly clean them up more than they are now, I have a pretty good idea that most of them would say, "go right ahead and do it." If I further asked, "what about those rivers that are clean, that do not have a problem, should we still pass a Bill like this?" I bet you a lot of those people would say, "well, those people don't have to worry do they? If those businesses along the river are not polluting, they shouldn't have to worry about a Bill like this."

I think the good Senator from Cumberland, Senator Dillenback is absolutely correct when he says it is very sad to find that all of us support clean water, but what is even more sad is the fact that some of us want to do it now. Again, others want to wait and I think that is how we got into trouble in the first place. It will be sad for the State of Maine and the people of this state if we continue to wait and don't do what we have to do right now.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to point out that if there is any river, such as the Penobscot, that is already meeting the standards, there would be absolutely zero impact on the cities and towns there. If sometime in the future things retreat and they are not meeting the standards, we do have something on the books to require them to do it. If mills, such as International Paper, are doing work to improve their polluting of the rivers, where they can meet the standards, good. They are already doing something, they are working on it, we were told. We need the Bill, we should have the Bill, we have waited long enough. Thank you.

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

Senator KANY of Kennebec requested and received Leave of the Senate to speak a fifth time.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. The Amendment, which is being offered now by the Senator from Aroostook, Senator Ludwig, has two major elements. One, there is no real time frame that is required in which there must be compliance with any color standards. Second, it would allow the Board of Environmental Protection to develop standards.

I just wanted to point out to this Body that the Board of Environmental Protection is made up of ten ordinary citizens who focus on environmental matters and they meet much less than does the thirteen member Energy and Natural Resources Committee of the

Legislature. They probably have developed less expertise than the Energy and Natural Resources Committee. We have had a great deal of information, there have been studies conducted, we have had estimates on costs. Talk about reasonable, the Department of Environmental Protection suggests that complying by 1991, the Majority Report, which is not what is currently before you, calls for 1992 and then an additional three years. It just has a final time for compliance. I think that is entirely reasonable and I just want to remind you that we are requiring the towns to clean up the rivers. We are requiring them to do it. Our current law really requires no additional discharge of color, odor, and foam, there is just no standard. The paper companies can afford it. Let's finish the job of cleaning up our rivers. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LUDWIG of Aroostook to ADOPT Senate Amendment "A" (S-69) to Committee Amendment "A" (H-102). A Roll Call has been ordered.

A vote of Yes will be in favor of ADOPTION of Senate Amendment "A" (S-69) to Committee Amendment "A" (H-102).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator BALDACCI of Penobscot who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator CLARK of Cumberland who would have voted NAY.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, PERKINS, RANDALL, WEBSTER, WEYMOUTH

NAYS: Senators ANDREWS, BERUBE, BOST, BRANNIGAN, BUSTIN, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, PEARSON, THERIAULT, TITCOMB, TWITCHELL, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

PAIRED: Senators BALDACCI, CLARK

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with No Senators being absent, and 2 Senators having paired their votes, the motion of Senator LUDWIG of Aroostook, to ADOPT Senate Amendment "A" (S-69) to Committee Amendment "A" (H-102), FAILED.

Committee Amendment "A" (H-102) ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 Authorizing the Dover and Foxcroft Water District to Refinance Certain Bonds Issued to the United States of America Acting Through the Farmers Home Administration

S.P. 513 L.D. 1400

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 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.

Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
The Bill TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator DUTREMBLE of York, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED:  
Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in Maine"

S.P. 357 L.D. 958

On further motion by same Senator, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Tuesday, May 2, 1989, at 12:00 in the afternoon.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 860  
JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE  
"DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED  
AS VICTIMS OF NAZISM

WHEREAS, 44 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, May 2, 1989, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 30th through May 7th as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, and urge one and all to recommit themselves to the lessons of the Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies"

S.P. 254 L.D. 644

Reported that the same Ought to Pass.