

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

ERRATA:

**The header on pages 807-813
should read "SENATE, MAY 16, 1989"
instead of "HOUSE, MAY 15, 1989".**

Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water System for the Warren State Prison and Pay User Fees (EMERGENCY) (H.P. 1197) (L.D. 1664) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that L.D. 1664 be referred to the Committee on State and Local Government.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, I withdraw my motion that L.D. 1664 be referred to the Committee on State and Local Government.

The SPEAKER: Representative Joseph of Waterville withdraws her motion that L.D. 1664 be referred to the Committee on State and Local Government.

On motion of Representative Joseph of Waterville, L.D. 1664 was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

On motion of Representative Melendy of Rockland,
Adjourned until Wednesday, May 17, 1989, at
twelve o'clock noon.

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

In Senate Chamber
Tuesday
May 16,

1989

Senate called to Order by the President.

Prayer by Reverend James Heard of the Full Gospel Pentecostal Church in Ellsworth.

REVEREND HEARD: Shall we bow in prayer. Dear Lord Jesus, we are so thankful to come to You today on behalf of this Legislature and opening this session today. Jesus, we pray that You will be here in Your wisdom and that we will draw from Your wisdom. That each Senator that is gathered here today will look to You, Lord, for their wisdom in matters pertaining to this session.

Jesus, we just ask that Your divine presence will be here. That You will guide every step, every decision, Master, because we know that we need You and that we can do nothing without You. We ask, Lord, that Your presence be felt here. Master, that we will acknowledge Your leadership and Your guidance. Be with us today as we pray, honor, guide, lead, and most of all ask, once again, for Your wisdom in decisions being passed. We thank You for the privilege of talking with You and for sharing this time with You. We count it a honor and privilege, Lord, to talk to You at any time. Bless now, minister, and once again we pray for wisdom and guidance. In Jesus' precious name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988" (Emergency)

S.P. 101 L.D. 120
(C "A" S-84)

In House, May 11, 1989, PASSED TO BE ENACTED.

In Senate, May 12, 1989, FAILED ENACTMENT, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) AND HOUSE AMENDMENT "A" (H-187) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Increase the Office of Advocacy"
H.P. 1177 L.D. 1632

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

In House, May 11, 1989, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

In Senate, May 12, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

House Papers

Resolve, to Grant a Temporary Psychologist's License to Bruce W. Webb (Emergency)

H.P. 1189 L.D. 1656
Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide for an Interim Superintendent for the Augusta Mental Health Institute" (Emergency)
H.P. 1193 L.D. 1660
Comes 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 Facilitate District Court Judicial Administration"
H.P. 1192 L.D. 1659
Comes 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.

COMMUNICATIONS

The Following Communication: S.P. 595
114TH MAINE LEGISLATURE
May 15, 1989

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on State and Local Government
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Barbara S. Powers of Cape Elizabeth for appointment to the Civil Service Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication:
DEPARTMENT OF LABOR
PO BOX 309
AUGUSTA, MAINE 04333

May 12, 1989
The Honorable Charles P. Pray
President of the Senate
Maine State Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:
Pursuant to Public Law chapter 25, I am pleased to submit this report on program operations of the Maine Training Initiative (MTI), covering the period of July 1, 1987 to March 1, 1989.
The report is divided into three parts. Part I is an overview of the program; Part II is a review of program results; and Part III is a discussion of training programs and services available in Maine's three Service Delivery Areas.

The Job Training community is proud to report that, thanks to the State-funded MTI, services have been provided to over 2,900 additional Maine people during the first twenty months of operation, a significant expansion of training to Maine residents.
If you have any questions regarding the information contained in this report, please do not hesitate to contact me.
Sincerely,
S/John Fitzsimmons
Commissioner
Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
MAINE STATE LEGISLATURE
STATE COMPENSATION COMMISSION
AUGUSTA, MAINE 04333
May 15, 1989

The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333
Dear President Pray:
The State Compensation Commission is pleased to submit its first interim report to the Legislature pursuant to Title 3, Section 2-A of the Revised Statutes. The final report recommendations of our predecessors, the 113th Compensation Commission, are presently before the Joint Standing Committee on Appropriations and Financial Affairs as L.D. 138, "An Act to Implement Certain Recommendations of the State Compensation Commission". We will offer our interim report recommendations as a proposed committee amendment to that bill.
We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,
S/Stephen R. Crockett
Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 594 L.D. 1671
Presented by Senator HOBBS of York
Cosponsored by Representative PARADIS of Augusta
Submitted by the Committee on Judiciary pursuant to Joint Rule 20.
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Establish a Budget Committee for Kennebec County"
S.P. 592 L.D. 1669
Presented by Senator BUSTIN of Kennebec
Cosponsored by Senator MATTHEWS of Kennebec,
Representative JACQUES of Waterville and
Representative JOSEPH of Waterville
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Bill "An Act to Establish the Whistleblower Hotline"
S.P. 593 L.D. 1670
Presented by President PRAY of Penobscot

Cosponsored by Speaker MARTIN of Eagle Lake
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 27.
 Which were referred to the Committee on STATE AND
 LOCAL GOVERNMENT and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Authorize the Blue Hill School
 Committee to Enter into Long-term Leases of Land and
 Buildings for School Purposes" (Emergency)
 S.P. 591 L.D. 1668

Presented by Senator PERKINS of Hancock
 Cosponsored by Representative FOSTER of Ellsworth
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 27.
 Committee on STATE AND LOCAL GOVERNMENT suggested
 and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland,
 referred to the Committee on EDUCATION and ORDERED
 PRINTED.

Sent down for concurrence.

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 Revise the Traffic Movement Standards
 under the Site Location of Development Laws"
 H.P. 418 L.D. 583

The Committee on ENERGY AND NATURAL RESOURCES on
 Bill "An Act to Replace the Large Lot Exceptions
 Under the Site Location of Development Law with a
 Low-density Exception"
 H.P. 502 L.D. 682

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 AGING, RETIREMENT AND VETERANS
 on Resolve, Reestablishing the Maine Information
 Commission on Agent Orange and Radiation (Emergency)
 H.P. 44 L.D. 55

The Committee on BUSINESS LEGISLATION on Bill "An
 Act to Require Deposits on Liquor Bottles"
 H.P. 361 L.D. 492

The Committee on BUSINESS LEGISLATION on Bill "An
 Act to Allow Sunday Retail Sales from Memorial Day to
 Labor Day"
 H.P. 422 L.D. 587

The Committee on BUSINESS LEGISLATION on Bill "An
 Act Regarding the Handling Fee for Returnable
 Beverage Containers"
 H.P. 726 L.D. 1003

The Committee on BUSINESS LEGISLATION on Bill "An
 Act to Add Consistency to the
 Retail Sales Law"
 H.P. 862 L.D. 1201

The Committee on BUSINESS LEGISLATION on Bill "An
 Act to Allow Retail Stores to
 Remain Open on Sundays"
 H.P. 897 L.D. 1254

The Committee on LABOR on Bill "An Act Concerning
 Workers' Compensation Discontinuance Forms"
 H.P. 348 L.D. 467

The Committee on STATE AND LOCAL GOVERNMENT on
 Bill "An Act to Establish the Position of County
 Administrator for Androscoggin County"
 H.P. 50 L.D. 71

The Committee on STATE AND LOCAL GOVERNMENT on
 Bill "An Act to Correct Errors in the County and
 Municipal Law Recodification"
 H.P. 156 L.D. 208

The Committee on STATE AND LOCAL GOVERNMENT on
 Bill "An Act to Preserve Maine's Part-time Citizen
 Legislature by Making the Legislative Process More
 Efficient and Less Costly to Maine Taxpayers"
 H.P. 159 L.D. 224

The Committee on STATE AND LOCAL GOVERNMENT on
 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

Change of Reference

The Committee on LABOR on Bill "An Act to Allow
 Employers to Collect a Service Charge for Debt
 Collection from Employees"
 H.P. 1103 L.D. 1536

Reported that the same be REFERRED to the
 Committee on LEGAL AFFAIRS.

Comes from the House with the Report READ and
 ACCEPTED and the Bill REFERRED to the Committee on
 LEGAL AFFAIRS.

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill REFERRED to the Committee on LEGAL
 AFFAIRS, in concurrence.

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act to
 Assist Agricultural Producers to Locate and Train
 Workers"
 H.P. 468 L.D. 633

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 Aroostook County for the
 Year 1989 (Emergency)
 H.P. 1194 L.D. 1661

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.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL
 AFFAIRS on Bill "An Act to Recognize Outstanding
 Local Commitment to Education"
 H.P. 463 L.D. 628

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-177).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-177).

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-177) READ and ADOPTED, in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds for Dioxin Testing"

H.P. 554 L.D. 752

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-179).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-179).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-179) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Dental Care of Maine Citizens"

H.P. 662 L.D. 904

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-178) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement an Ozone Control Strategy for the State"

H.P. 736 L.D. 1013

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-176) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions"

H.P. 317 L.D. 433

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
CARPENTER of York

Representatives:

LARRIVEE of Gorham

WENTWORTH of Wells
HEESCHEN of Wilton
JOSEPH of Waterville
DAGGETT of Augusta
ROTONDI of Athens

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

Signed:

Representatives:

BEGLEY of Waldoboro
HANLEY of Paris
MCCORMICK of Rockport

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

Which Reports were READ.

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

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General and the Secretary of State

H.P. 525 L.D. 710

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

Signed:

Senators:

BERUBE of Androscoggin
CARPENTER of York

Representatives:

LARRIVEE of Gorham
BEGLEY of Waldoboro
WENTWORTH of Wells
HANLEY of Paris
MCCORMICK of Rockport
ROTONDI of Athens

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

Signed:

Senator:

ESTY of Cumberland

Representatives:

JOSEPH of Waterville
HEESCHEN of Wilton
DAGGETT of Augusta

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

Which Reports were READ.

Senator BERUBE of Androscoggin moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

Senator ESTY of Cumberland requested a Division.

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

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to explain the reason why some of us voted on the majority side of this Bill. This L.D. deals with two Constitutional Offices: the Attorney General's Office and the Secretary of State's Office. It extends the term of both, from the present two year to a four year term. Both Constitutional Offices would be popularly elected rather than selected by the Legislature.

Since it is a Constitutional Amendment, it would go to the people for their acceptance. The election would be held in 1992. There is only one state in

our nation that elects the Attorney General by the legislative process and that is the State of Maine. There are only three states in the country, Maine, New Hampshire, and Tennessee, who elect the Secretary of State by the legislative process. I might add that the District Attorney's are elected by the people at large.

In the view of those of us who voted for the majority, it would make the position perhaps less political in that it would be less binding, if you will, to the party selecting that individual. The fact that they had a four year term would certainly be a positive direction to take.

I personally view that presently those Constitutional Offices are merely an extension of the Legislature and I think that this would be a fair process to allow the public to be able to select their people. Thank you.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. This is a very straightforward issue and I don't want to spend a great deal of time discussing it. I would just like to say that the system we have, presently, works very well. We have outstanding leadership in both of the positions and we have consistently had outstanding leadership in both positions in the past.

I don't believe that by approving this process that the positions will become less political. In fact, I believe they may very well become more political. I just tend to believe that it is a system that is working very fine now and that we should maintain it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

A vote of Yes will be in favor to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator GILL of Cumberland who would have voted NAY requested and received Leave of the Senate to pair her vote with Senator CAHILL of Sagadahoc who would have voted YEA.

Senator BERUBE of Androscoggin who would have voted YEA requested and received Leave of the Senate to pair her vote with Senator TITCOMB of Cumberland who would have voted NAY.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators CARPENTER, COLLINS, DILLENBACK, EMERSON, GOULD, HOLLOWAY, LUDWIG, PERKINS, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, RANDALL, THERIAULT, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, WEYMOUTH
PAIRED: Senators BERUBE, CAHILL, GILL, TITCOMB

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, the motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED.

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

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish a Reporting Mechanism for Legislators Attending Educational Conferences"

H.P. 734 L.D. 1011

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
CARPENTER of York

Representatives:

LARRIVEE of Gorham
MCCORMICK of Rockport
JOSEPH of Waterville
ROTONDI of Athens
DAGGETT of Augusta
HEESCHEN of Wilton

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

Signed:

Representatives:

HANLEY of Paris
BEGLEY of Waldoboro
WENTWORTH of Wells

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

Which Reports were READ.

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

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. Before we Accept the Majority Report, which I am sure we are going to do, I would like to just bring to your attention that perhaps a need for some type of Bill or some mechanism to inform members of the Legislature as to what is being done and the purpose for Legislators attending conferences. It would seem to me that at some point we ought to be reporting back to this Legislature or some mechanism ought to be made available so that the public would know exactly where the dollars are being spent and why and for what purpose Legislators are traveling out-of-state. Thank you.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Franklin, Senator Webster, has suggested, ever so gently, that there may be need to report the expenses and the purposes for which Legislators attend educational and or legislative conferences. I do not disagree that there are mechanisms that provide for this reporting and that is, obviously, the public information and public access to all legislative documents, public hearings and meetings, not the least of which includes, as that good office that he represents knows, the expense sheets that Legislators submit.

That we should establish, in legislative mechanism and organization, a reporting much like one would report when one goes on a field trip that occurs sometimes in our lower grades in public schools, even a show and tell type of mechanism, I think does not legitimately address the value that is gained by attending and participating in these legislative conferences and educational experiences.

Probably the single most visible mechanism for reporting the benefit of these experiences out of our

state and welcoming these conferences, as has occurred in our recent past in our state, are the expansion of horizons and an educational level which occurs within the various topic areas, the seminars, and the meetings which afford all Legislators, from all regions of the country, to share not only their legislative experiences and agenda, but the issues which are priorities and are currently before their sessions. I think probably prime among the reporting mechanisms are the Bills that we receive before our various standing and select committees which emanate and frequently are originated from these experiences and the knowledge gained at these various conferences.

Speaking personally, I never attended a legislative conference until I was elected to leadership. I simply have to say, if I were to assess that non-participation for twelve years of my legislative experience, that I deprived myself of opportunities that have been a continuing education experience in these last five years. I would encourage, with the Presiding Officer's permission, all Legislators to seek to attend one or more of these opportunities within your topic areas, subject areas, and Committee areas of interest during your two years in this 114th Legislature. It is an expanding experience, an educational experience, and certainly a challenge for all of us. Thank you Mr. President.

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. My reason for rising here today is to bring to your attention that the sponsors of this Bill brought this measure before the Legislature because of their concern with the expenses that are being accrued by this Legislature traveling throughout the country. I believe that in the future you are going to see similar legislation like this until something is done about it.

The legislative budget, in the last few years, has skyrocketed and, in my opinion, one of the reasons, without question, is because of out-of-state travel. It seems to me that the concerns of the taxpayers of this state ought to be the concerns of the people of this Body and I know they are, but I think we ought to be looking at how we are spending our money. In my opinion, traveling, as frequently as we do, outside this state is not the best use of taxpayers money. Thank you.

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 in support of the Majority Report from the Joint Standing Committee on State and Local Government. In my view, quite honestly, I think it would be a penny wise and a pound foolish if we were to impose limitations or disincentives for our membership to engage in educational seminars and workshops. As you know, I serve on the Joint Standing Committee on Human Resources and I can't begin to tell you how many times our members have gleaned important and relevant information on federal and state policy and brought that back to the Committee and assisted us immeasurably in crafting reasonable legislation. Human Resources areas, of course, involve major joint, state, and federal financial participation. In areas dealing with welfare reform, health care initiatives, mental health policy, in all of these areas we have learned and profited greatly from our members going about the country to various conferences.

I would also point out, as a matter of some pride, that when I have attended these conferences quite often it is members of the Maine Delegation who take the lead in Committee discussions, who are well versed, who understand the issues. For example, at a conference I went to last year, Senator Gill, was one of the presiding officers and Senator Gill, the Senator from Cumberland, is certainly held in high esteem by her colleagues around the country. I really think that we would be embarking on poor policy if we were to discourage our members from taking advantage of these conferences. I, for one, strongly support the Majority Report from the Joint Standing Committee on State and Local Government. 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. In reading the Bill on this particular matter, it was of great interest having been on one educational conference in my four terms in the Senate back in 1983, if I recall correctly. The thing that disappointed me in the legislation was that there were a lot of things that take place in these conferences and seminars that you go to that are not within a room, are not with teachers, are not with specialists in those particular fields, but they happen outside of the classroom.

The trip that I went on, and I guess that is why I haven't been on any other educational trips since then, was with the former Presiding Officer, Gerard Conley, and at that time the Chair of the Appropriations Committee, Senator Mary Najarian of Cumberland, and the other Senator from York, Senator Danton. We went on a field trip to Mexico, a town just across the Mexican border. We were there to inspect the situation and to see all the different things that were going on in Mexico. We had parked the automobile next to the side of the road and there was a young boy that was there and he said to the President of the Senate that if he would give him a dollar he would watch the automobile. When we got back to the car all the chrome was gone off the automobile, the chrome was completely peeled. The President of the Senate probably figured it was on the streets shortly after that. On the way back, our car had conked out and we ended up in this small Mexican community and it was very interesting because you got to meet with the people in that particular community and they helped us with our automobile to get it cooled down. We got to talk with the natives and we tried very hard to get out of town before it was dark. When we got back into town, we were suppose to pick up the Speaker of the House in the shopping center because he was inspecting shopping malls. When we picked him up we were not suppose to say anything about this little incident and excursion and when the Presiding Officer of the other Body got into the automobile, the automobile started billowing with smoke and we were suppose to ignore this and pretend nothing was happening. When the Speaker of the House asked us what was wrong everybody said nothing was wrong and everything was fine.

It was a very educational experience that I had encountered and it happened outside of the seminars that you go to and the speakers that you listen to. I think the point here is that to document all of those things that do go on would be very hard to do and this Bill calls for that kind of documentation and that kind of report. I remember the Presiding Officer saying that when we came back we were just walking encyclopedias and I believe that, I really do, I felt like the World Book when I got back here

and I just think that you can't document all of that. Thank you.

Off Record Remarks

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I hope that during this short debate that many of you may have turned to L.D. 1011 and reviewed, as did I, the precise particulars of this document, because not only has the State and Local Government Committee acted wisely, but we would have, as a result of passage of this Bill, still another report on our desks. A compilation, if you will, of all the data, filed appropriately, and I am sure bound, at no inconsiderable costs to the taxpayers of this state, of all that was experienced by members of the Legislature. Suffice it to say, I don't know what color that report would be, but I think perhaps it is not one that would be of great demand on behalf of the citizens whom we serve.

More precisely, there has been an allegation that the taxpayers money, which by the way includes the members of this Legislature who are coincidentally taxpayers too, that it is an unwise expenditure and that if we proceeded, as this measure would have us proceed, that it would be an efficient use of taxpayers money.

I think it is probably unnecessary today to review with you what one must endure or experience if one wishes to journey to one of the conferences, seminars, or meetings of a number of the legislative organizations which provide these opportunities for expansion of our horizons as well as our educations. But, when we receive the material, usually we receive it individually, as Senators, or we receive a memo accompanied by a request to see if we are interested, from our Presiding Officer or one of the floor leaders. We then follow, as a procedure, filling out a request for authorization for out-of-state travel on legislative business. The source of this form is the President's Office. You not only have to record your name and the date you request permission, but meeting information, which includes sponsoring organization or committee, if you are a member, if you have attended previous meetings of the same group, the topic of particular interest, the dates of the meeting or seminar, the location, your preferred travel arrangements, with a number of sub-informational sections, hotel reservations, and an admonishment from our Presiding Officer to submit this form at least fifteen days prior to registration. This also needs to be approved by the Presiding Officer.

Once your request for out-of-state travel has been approved, you will receive a packet from the office of the Executive Director of the Legislative Council, which includes your travel and expense account voucher plus an instruction sheet, in case we have forgotten on how to fill out one of those expense account vouchers, and a listing of what is an expense and what is not a legitimate expense. In addition to that, there is a facsimile of a completed voucher filled out. Many of us have traveled, not extensively but at least more than once, and are familiar with this process and this increases not only the legitimacy of our request and the legitimacy of that which we seek to attend, but the expenditure of legislative monies which are provided by the taxpayers of this state.

To suggest that it is not a legitimate expenditure and that the taxpayers question how we spend our money in this area of the exercise of our offices, I think is specious. This submission of materials prior to our attendance and the submission of our expense forms after our attendance, are all accessible and are matters of public record should any taxpayer seek to review them, as has been the case multiply times within my area of knowledge.

Suffice it to say, that those who choose not to travel choose only to experience the educational opportunities in some respects limited that are afforded within the boundaries of our great state. Again, I would invite all members of this Maine Senate, within the term of your office in the 114th Legislature, to expand your horizons with one or more of these legislative conferences through the usual procedure and or process. Education continues to be exciting. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

The Chair ordered a Division.

Will all those Senators in favor of the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, please rise in their places and remain standing until counted.

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

26 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

On motion by Senator WEBSTER of Franklin, ADJOURNED until Wednesday, May 17, 1989, at 12:00 in the afternoon.