

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**  
June 15, 1989 to July 1, 1989  
Index

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

In Senate Chamber  
Tuesday  
June 20, 1989

Senate called to Order by the President.

Prayer by Father Royal J. Parent of the Holy Family Catholic Church in Lewiston.

FATHER PARENT: God, our Father, we thank You for this day. We recognize You as our creator and provider. We ask for Your guidance in these last days of the 114th Legislature. Grant us patience and understanding. Give to the world the peace that only You can give. Enable us to reach new heights by using our talents for the good of the ones we represent. Guide us as we work and teach us to live in the spirit that has made us Your children and the love that has made us brothers and sisters. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

June 19, 1989

Honorable Joy J. O'Brien  
Secretary of the Senate  
114th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on State and Local Government on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (S.P. 312) (L.D. 817).

Sincerely,  
S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

Senate  
Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Reduce Hardship for Injured Workers" S.P. 346 L.D. 916

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-343).

Signed:  
Senators:

ESTY of Cumberland  
MATTHEWS of Kennebec  
WHITMORE of Androscoggin

Representatives:

LUTHER of Mexico  
MCKEEN of Windham  
MCHENRY of Madawaska  
PINEAU of Jay  
RUHLIN of Brewer  
TAMMARO of Baileyville  
RAND of Portland

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

Signed:

Representatives:

BUTLAND of Cumberland  
MCCORMICK of Rockport  
REED of Falmouth

Which Reports were READ.

On motion by Senator WHITMORE of Androscoggin, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-343) READ and ADOPTED. Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

ORDERS OF THE DAY

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

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630  
(C "A" H-586)

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586).)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay

S.P. 509 L.D. 1397  
(C "A" S-299)

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299).)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County"

H.P. 1258 L.D. 1755

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-628).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-629).

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 19, 1989, Reports READ.)

(In House, June 19, 1989, Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-629) Report

READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-629).)

On motion by Senator BERUBE of Androscoggin, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628) Report was ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-628) READ and ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards"

H.P. 533 L.D. 718

(C "A" H-102)

Tabled - May 25, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 4, 1989. PASSED TO BE ENACTED, in concurrence.)

(Returned to the House, May 16, 1989, by the Governor, together with his objections.)

(In House, May 24, 1989. Bill and Accompanying Papers RECOMMITTED to the Committee on ENERGY AND NATURAL RESOURCES in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate ADHERED.

Sent down for concurrence.

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

On motion by Senator ERWIN of Oxford, RECESSED until 3:00 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Immunity From Liability for Incorporators of Certain Hospitals"

H.P. 1275 L.D. 1769

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

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act Regarding State Forest Practice Laws"

H.P. 315 L.D. 429

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-635).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-635).

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE COMMITTEE REPORT.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

June 20, 1989

Honorable Joy J. O'Brien

Secretary of the Senate

114th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Insist and Join in a Committee of Conference on Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) (L.D. 661).

Sincerely,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

The Chair appointed as conferees on the part of the Senate:

Senator CLARK of Cumberland

Senator BALDACCI of Penobscot

Senator GILL of Cumberland

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws"

H.P. 1225 L.D. 1697

(H "A" H-601 & S "A"

S-341 to C "A" H-514)

In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "A" (H-601) thereto.

In Senate, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "A" (H-601) AND SENATE AMENDMENT "A" (S-341) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY SENATE AMENDMENT "A" (S-341) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Codify Guidelines for Home and Private Schools"

H.P. 949 L.D. 1317  
(C "A" H-544)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544) AS AMENDED BY HOUSE AMENDMENT "A" (H-636) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending FURTHER CONSIDERATION.

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

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

COMMITTEE REPORTS  
Senate

Leave to Withdraw

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

Senator TITCOMB for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Exempt Certain Persons from the Restoration to Service Laws"

S.P. 656 L.D. 1764

Ought to Pass As Amended

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

S.P. 594 L.D. 1671

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-344).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-344) READ.

On motion by Senator HOBBS of York, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (S-344).

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County"

H.P. 1258 L.D. 1755  
(C "A" H-628)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-628).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-629).

In House, June 19, 1989, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-629).

In Senate, June 19, 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-628) in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (Emergency)

H.P. 1262 L.D. 1758

In Senate, June 16, 1989, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-642) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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

ENACTORS

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

Emergency

An Act to Study the Creation of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers'

H.P. 952 L.D. 1320

(C "A" H-578)

Comes from the House Bill and Accompanying Papers RECOMMITTED to the Committee on BANKING AND INSURANCE.

Senator WEBSTER of Franklin, moved to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

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

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. The primary reason we want this Bill Recommitted to the Committee is that we want to hold the Bill over until the next session. In the meantime, during the course of the summer, we will be looking into the feasibility of actually doing this for the State of Maine. I think it is very important that we keep this Bill alive for that purpose, so we could do our study this summer. Thank you.

Senator THERIAULT of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

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

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

8 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers RECOMMENDED to the Committee on BANKING AND INSURANCE, in concurrence.

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

ENACTORS

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

Emergency

An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act

S.P. 469 L.D. 1266

(C "A" S-289)

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

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

COMMUNICATIONS

The Following Communication: H.P. 1274

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

June 19, 1989

TO: The Honorable Members of the 114th Legislature

I am returning without my signature or approval H.P. 456, L.D. 621, "AN ACT Concerning Unemployment Benefits for Lockouts."

Current employment security law disqualifies individuals from receiving immediate unemployment compensation benefits when their unemployment is caused by either a strike or a lockout. This bill proposes to change that law to allow individuals involved in a lockout to collect unemployment benefits immediately. I oppose this legislation for the same reasons that I rejected identical legislation during the First Regular Session of the 113th Legislature.

First, this legislation would disrupt the delicate balance that must be maintained between management and labor by removing a key incentive for labor to forestall a lockout or to negotiate towards a prompt settlement should one occur. The economic costs of labor disputes can have a severe impact on individuals, companies and communities. We must, therefore, maintain a fair and equitable balance in order to prevent or resolve quickly any such dispute.

Second, if a lockout affecting a substantial number of employees occurred, the payment of unemployment compensation benefits to individuals under this bill would cause a severe drain on Maine's Unemployment Compensation Fund.

Finally, current law does allow the payment of unemployment compensation benefits during a labor dispute once the company returns to substantially normal operations. This would occur in the case of a strike or a lockout. There is no justification to treat lockouts differently from strikes for the purpose of payment or nonpayment of unemployment compensation benefits.

I know that we all have the same goal to encourage the labor/management harmony that promotes growth and prosperity. Due to my continued belief that this legislation would adversely impact the collective bargaining process and have a potentially

deleterious impact on the Unemployment Trust Fund, I must once again reject this legislation and respectfully request you to sustain my veto.

Sincerely,  
S/John R. McKernan, Jr.  
Governor

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The President laid before the Senate the following Accompanying Bill:

Bill "An Act Concerning Unemployment Benefits for Lockouts"

H.P. 456 L.D. 621  
(C "A" H-353)

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. The Bill that we are dealing with now was vetoed by the Governor and has to do with providing unemployment benefits for people who are locked out of their job by their employers. Locked out employers meet all the other requirements of unemployment law. They are unemployed through no fault of their own and are able, available, and willing to work. This Bill is a fairness Bill and one that I would hope this Body would take this opportunity to override the veto of the administration to send a clear message to the people of the State of Maine and to the workers of the State of Maine that we support fairness in this area. Thank you.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I guess it depends on whose interpretation of fairness and how you evaluate the fairness. Frankly, I don't think a Bill that is fair, that commits the funds that are collected from all, and that is all employers this is no contribution from employees, is a contribution from the employers to the fund to subsidize, and that is what it is, subsidize a labor dispute.

If it was as simple as the good Senator from Cumberland, Senator Esty, might like to think it is and might like us to think it might be, then that would be one thing, but it is much more complex than that. Complex to the point that an organization that is in labor strife can actually create a lockout. That is the main threat to the fund. By creation of the threat, through vandalism and, in effect, can cause the employer to close the plant, or the place of business, to protect their assets. I happen to think that is fair. Why should the employer risk hundreds or thousands or millions of dollars worth of equipment and business through this action? So, if this is the effort that they can take in order to close the business down, to protect that investment and those assets, then I happen to think that is one hundred percent legitimate. If they do that, and we are talking about a large firm, those who are currently contributing, the "mom and pop" operation, it gets down that small, that contribute to the Unemployment Fund that is going to subsidize this. Those people will never have a lockout and yet those are the ones certainly whose fund is in jeopardy. Should there be a lockout of significant proportion, or should there be a drain down on this fund of significant proportion, and that fund reaches a point of being in danger, then, as they have in the past, it will be necessary to go to the federal government to obtain funds to make that more solid and then that surcharge for the repayment of that is passed on to

all employers. So, if we are talking about fairness and a fairness issue, then I think this dilutes the fairness issue. I would ask that every member of this Chamber vote to sustain the veto.

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. Two very brief points that I had mentioned before in the original discussion of the Bill. The Unemployment Compensation Fund is a fund based on experience. Although all employers contribute to the fund, the fund, itself, is based on an employers individual experience regarding unemployment. So, they do pay the greater share in that regard.

Secondly, regarding the vandalism issue. There are presently remedies available through the court system and other means to talk about vandalism. Vandalism is something that is thrown up when this issue comes to mind. but it, in fact, can be dealt with in many other ways and is not part of this issue. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I have listened to my good friend and colleague, the Senator from Androscoggin, Senator Whitmore, a couple of times on this issue and I want to set the Record straight. One can have a difference of opinion on the issue of lockouts, but let's not muddy the facts with threats of violence. This sounds rather one sided to me. I have, unfortunately, experienced the lockouts and strikes in my area and have seen what can happen during labor disputes and unrest, and I can assure you and the good Senator from Androscoggin, who feels that violence is perpetrated by the unions on management, that when an employer has the opportunity, under law, to bring in professional strikebreakers, those people get diplomas in causing unrest and violence. That is how they get paid and they do their job very well. The Committee on Labor and the Legislature has been attempting to correct this imbalance and to pass legislation to protect working people and employers from the abuses of strikebreakers for quite a period of time. We may have achieved some success this session on the strikebreaker issue, not enough, but we will be pursuing that. Let's not muddy the waters that this lockout measure and the Governor's position is to protect the employer. We know what happens in the real world and how violence is initiated. I have seen, personally, strikebreakers harrasing union workers, taking their Constitutional right to strike and to advocate for their position and abusing the right of others. Some of us in this Chamber, I am sure, have seen that happen. Let's set the Record straight. This is a good Bill. This Bill does stand up for working men and women, and we talked about this issue last night. If you support working men and women rights to work to raise their families, to have an opportunity to make a living, then support this measure and override the veto of the Governor, because it is right, fair, and just. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would suggest that if you support working men and women in this state, that you would sustain the Governor's veto on this measure. It seems to me that when the working people who don't happen to belong to the union and which happens to be about eighty-five percent of the people in this state, that they don't

happen to belong to the union, then they want to make sure that there is going to be funds available for them if they are unemployed. I represent an area of the state that has a lot of shoe shops, a lot of doweI wood mills, and when the economy goes down, they start laying people off. I would like to think that when they do lay people off that this fund will be strong and secure. Just prior to my election to the Legislature, this state had to borrow money from the federal government for the Unemployment Fund. I hope that never has to happen again, I don't think that this Legislature ought to be getting in the middle of a labor dispute between management and labor, between union management, it doesn't seem to me that we ought to be doing that. Passing a law like this puts us right smack in the middle of a union management kind of situation, I don't want to be involved with that. I want to make sure that when my people, who are working people, who work everyday and want to be secure for their families when one day, for whatever reason, something they had nothing to do with, some import shoe comes in and these people don't have a job, that there is a secure funds here in Augusta to take care of their families. The way to insure that is to vote out Bills like this to make sure that the funds say secure. I would suggest that you vote against this Bill. 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 am, as the good Senator from Franklin, Senator Webster, concerned about all the workers of the State of Maine. Those who belong to the unions and those who do not. As a matter of fact, those good workers that the good Senator talks about who want to make sure that they have money in the Unemployment Fund if they ever get into a situation where they need it, I am sure that all of those workers would be more than thankful for the unions and labor organizations for fighting for those programs in the past so that they can have them in the first place. If it weren't for those organizations, we probably wouldn't have a successful Unemployment Insurance Fund today, or a Workers' Compensation Fund today, or safety in the workplace today, or a decent minimum wage today, or any of those other issues that the labor organizations fought for, as long as I can remember. To camouflage this by saying that you are trying to protect the workers of this state by sustaining the Governor's veto is nothing more than what I just mentioned, camouflage. At least the good Senator from Androscoggin, Senator Whitmore, says what it is. He clearly said that we are going to hurt businesses, in his opinion, if we don't sustain this. At least that was honest, in my opinion.

My question is, when are the Republican members of this Body going to side with the working people? Just once, just once, on a major issue I would like to see the Republican members of this Body side with the working people of this state. This issue, again as when it was originally before us, the two major issues that I thought were totally unfair to the working people of this state was the strikebreaker and the lockout. Well, we dealt with the strikebreaker and that is not before us. The lockout, the purpose of the Unemployment Fund was to help those people who were put out of work, but who were willing, and capable of working. That is exactly what a lockout does, it puts those people out of work. That is why we should vote to override the Governor's veto. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I think we have a slight problem in this discussion on this issue as to whether the position espoused by the AFL-CIO and those organizations are the positions that the average working person in this state would hold. That is where we differ. The liberal agenda that is being promoted by the AFL-CIO, in my opinion, is not in the best interest of the working people who I represent in this state, and many of you represent. I guess we have a difference of opinion, as to whether their views and our views are similar. I would argue, as forcibly as I could, that the average guy who works for a living in this state shares the views that I share and many of the views that the Republicans here and the Democrats here share. We just don't happen to agree, at least I don't happen to agree, and I am not afraid to stand up in this Senate on the Record and say that I don't share the view that is far from moderate that is being promoted by certain leadership within the AFL-CIO.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. Just in response to the good Senator from Franklin, I just want to again clarify a few statements that are being made. The AFL-CIO supports this Bill, the MSEA supports this Bill, the Maine Teachers Association supports this Bill, the Shoe Workers and Garment Workers union supports this Bill, and just about every union in the country supports this measure and in the State of Maine. So, let's get it all out on the Record. 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. I am very happy not to be on the Labor Committee. I refused to serve on the Labor Committee, but I understand what you are talking about and I understand what you are doing. Nobody wants to see a lockout, the community doesn't want to see it, the workers do not want to see it, and certainly the people who own the company cannot afford to have it. I haven't heard anybody here mention what it costs the company to have a lockout. What happens to the profits that they should be making? How much loss do they have when they are not doing business? That is not a good idea either.

The company that I was associated with for over thirty-two years had a union and we never had a lockout because we negotiated in fairness. The big strike that you people all talk about was very unfair to the company and it was certainly unfair for the people who couldn't go back to work, but who suffered? Not only the people who were on the lockout, but the people in the community and they are still suffering. So, I think it is a matter of negotiation. People have to work their problems out. Just because you want to put these in to perhaps satisfy the people who are in your district, it is not the answer. The answer is fairness. When you talk about fairness, it has to be fair on both sides. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I couldn't agree more with the good Senator from Cumberland, Senator Dillenback, about the fairness of this issue. It is a fairness issue. Let me just read to you the statement of fact from L.D. 621. "This Bill

expands the eligibility to receive unemployment benefits of person unemployed due to a labor dispute. Current law prevents a person from receiving unemployment benefits if the person is unemployed due to a stoppage of work caused by a labor dispute. The term "labor dispute" includes both employee-initiated strikes and employer-initiated lockouts of employees. In the case of a lockout, the employees are willing to work, but are prevented from doing so solely by the employer's refusal to allow them to work. Since the unemployment compensation law was intended to provide benefits to employees who are unemployed through no fault of their own and who are willing to work, these persons should be allowed to receive unemployment benefits if they are prevented from working due to an employer-initiated lockout." They can't work because their employer doesn't want them to, not because they don't want to. "This Bill allows these persons to receive unemployment compensation if their unemployment is due to a lockout. Employees who are unemployed due to an employee-initiated strike continue to be disqualified from receiving benefits in most circumstances as under current law." What that is called in legal circles, I believe, is a chilling effect. It is a chilling effect for the employee to go on strike and not receive the unemployment benefits. When they initiate that strike, they take that on themselves, they do not get unemployment benefits. The same chilling effect should be on employers to not give the lockout. The reason for that is that the chilling effect would take effect, because the employer rates would increase depending on the amount of unemployment benefits they have to pay out. That is the chilling effect that should be in effect for the employer to balance out that same balance that was mentioned, to balance out what the employee takes on when they initiate the strike. Thank you.

THE PRESIDENT: The question before the Senate is: Shall this Bill become Law notwithstanding the objections of the Governor?

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators BALDACCI, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, with No Senators being absent, and 18 being less than two-thirds of the membership present and voting, the veto is SUSTAINED.

The Secretary has so informed the Speaker of the House.



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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities"

S.P. 494 L.D. 1368

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-348).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-348) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Amend Campaign Finance Reporting"

S.P. 587 L.D. 1649

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-349).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-349) READ and ADOPTED.

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

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

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

ENACTORS

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

Emergency

An Act to Preserve the Integrity of the Land for Maine's Future Program

S.P. 651 L.D. 1746

(C "A" S-330)

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 Authorizing Piscataquis County to Expend and Borrow up to an Additional \$350,000 for Renovation and Expansion of Jail Facilities

H.P. 1271 L.D. 1767

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:

ENACTORS

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

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991, and Making Supplemental Allocations Necessary to the Proper Operations of State Government

H.P. 514 L.D. 694

(H "A" H-600 to C "A" H-556)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Relating to the Portland Fish Pier Authority

S.P. 652 L.D. 1749

(H "A" H-618)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was 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:

ENACTORS

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

Emergency

An Act Requiring the Bureau of Public Lands to Study the Best Method and Cost of Removing Abandoned Watercraft in the Coastal Waters of the State

H.P. 1267 L.D. 1763

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 Resolve

Resolve, to Establish the School Organization Study Committee

S.P. 534 L.D. 1469

(H "A" H-576 to C "A" S-270; S "A" S-328)

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

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

ENACTORS

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

Emergency Resolve

Resolve, Concerning the Dennistown Plantation School Budget

H.P. 1270 L.D. 1766

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 for Facilities Serving People with Mental Illness

S.P. 305 L.D. 804

(C "A" S-329)

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

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

ENACTORS

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

An Act to Amend Laws Regulating the Sardine Industry

S.P. 453 L.D. 1225

(C "A" S-331)

An Act to Establish Finance Committee Districts and Procedures for Aroostook County

H.P. 1251 L.D. 1750

(C "A" H-632)

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

An Act to Clarify the Method of Obtaining Incapacity Benefits Under the Workers' Compensation Act

H.P. 675 L.D. 924

(S "A" S-327 to C "A" H-581)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,210,600 for the Maine Vocational-Technical Institute System

H.P. 1235 L.D. 1727

(C "A" H-616)

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Resolve, Concerning the Dam on Mattawamkeag Lake

H.P. 1247 L.D. 1740

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-647).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-647) READ and ADOPTED, in concurrence.

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

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

The Committee on LEGAL AFFAIRS on Resolve, Authorizing the Secretary of State to Release Certain Ballots to the Municipal Officers of the Town of Jay

H.P. 1237 L.D. 1728

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-646).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-646) READ and ADOPTED, in concurrence.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Subject Municipal Rulemaking to Statutory Administrative Procedures"

H.P. 595 L.D. 813

(C "A" H-543)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543) AS AMENDED BY HOUSE AMENDMENT "A" (H-645) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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

(C "A" H-617)

In Senate, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-648) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630  
(C "A" H-586)

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586).)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay

S.P. 509 L.D. 1397  
(C "A" S-299)

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299).)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Fund a Capital Grants Program to Solid Waste Regional Commissions and Associations and Municipalities to Invest in Recycling Equipment and Facilities

H.P. 497 L.D. 677  
(S "A" S-351 to C "A" H-608)

Tabled - June 21, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608) AS AMENDED BY SENATE AMENDMENT "A" (S-351) thereto.)

(In House, June 21, 1989, PASSED TO BE ENACTED.)

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. It has come to my attention that there is no such thing as a Solid Waste Regional Commission and we must change the word to Solid Waste Regional Association. That is what the Amendment I am going to offer does. Thank you.

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-608).

On further motion by same Senator, Senate Amendment "A" (S-351) to Committee Amendment "A" (H-608) READ and ADOPTED.

Committee Amendment "A" (H-608) as Amended by Senate Amendment "A" (S-351) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce"

H.P. 438 L.D. 603

Tabled - June 19, 1989, by Senator BALDACCI of Penobscot.

Pending - ADOPTION OF COMMITTEE AMENDMENT "B" (H-633)

(In Senate, June 19, 1989, Committee Amendment "B" (H-633) READ.)

(In House, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633).)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-346) to Committee Amendment "B" (H-633) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment is putting on the airplanes the leased aircrafts onto the leased trucks that was discussed by the Committee on Taxation. It puts them together. The Bill had been taken up in the House earlier and then Recommitted to the Committee and in the Committee's deliberations they came out with this particular concept, as far as airplanes were concerned. I am putting this Amendment on with the support of the other Senate members of the Taxation Committee. Basically, what we are going here is setting into statute requirements that have to be met in order to receive the sales tax exemption. If those conditions are not met, for this particular statute, then there is a ten percent penalty prorated at the time where these particular statutory requirements were not kept. It is totally unusual in the sense that they were going to such extremes to write into statute this type of language, but because of the reaction that this Bill received initially, there was a tremendous amount of concern that we were doing something special, when, in fact, we are doing something that is very similar that we proposed with leased trucks. If they are leased, then they are sales tax exempt, because if they had been purchased, they would not have to pay a sales tax. The only reason there is a fiscal note on this Bill is because every time we pass it, we put a sunset on it and as soon as the date is gone, automatically, there is

some creature in state government that says, now that money is ours.

All of a sudden, in order for us to put it in again and have another extension, it has to have a fiscal note on it, because we have to take care of that particular creature of state government. I was always interested as to why, because when this was originally done, the state was changing its exemption so that we could have as a base of operations an airlines here in the State of Maine. We were changing it because we wanted to encourage that growth and development in that particular area. Then they came into this area after it was done and I could never figure out why there was a sales tax note on this, because if we didn't change the law, the headquarters wouldn't be in Maine. The leased aircraft wouldn't be a concern to the State of Maine, it would be somewhere else, Newark, Boston, Pennsylvania. When I got on the Taxation Committee, I figured out the reason, because every time we passed it, there has always been a sunset on it and it has been a net loss to the General Fund because they have been expecting it once the sunset removes itself from it.

I would like to speak to this particular issue because there has been some rumors. I have heard more rumors on this issue than I have ever heard before. The fact of the matter is we have gone to such extremes now, we are going to write into statute what has to be done by an airline company, not just Bar Harbor Airlines, but any other airlines, we are writing into statute what they are going to have to do in order to receive a sales tax exemption on leased aircraft. We are going to set it right into statute. The thing that really bothers me is the three hundred and fifty men and women and their families that are working in Bangor. What bothers me is the four hundred thousand dollars that these airlines pay to the city of Bangor for two hangars and corporate headquarters. What bothers me is with the slow growth here in the State of Maine we are going to whack out three hundred and fifty jobs that are paying on average of twenty thousand dollars. We are going to whack it out because an airline here has not gotten very good treatment as far as the media is concerned. The glee in which the media came up to me after the other Body had initially taken up this measure, they couldn't contain themselves. They thought that finally Bar Harbor was crash landed. The sad point in all of that is that I could care less about the executives at Bar Harbor Airlines. I have been around here for four terms, the concerns that I have are for the men and women that are working there and their families that don't know from one day to the next what is going to happen. That is who I am concerned about, that is why we have gone to such extremes to put into statute certain provisions that if they are not met, that they are going to be penalized and prorated at the time that occurs. We are putting it into statute that they have to have their corporate headquarters here in the State of Maine. We are putting into statute that they have to offer not only interstate, but intrastate flights. If they violate any one of those statutes, they automatically get penalized ten percent.

The other disturbing thing is that in all of this discussion when you look at the State of Maine, look at the transportation, what is going on in Aroostook County with the buses and the transportation to Aroostook County. What is going on in the smaller communities that need air service and they don't have other types of transportations?

In order for the State of Maine to have a balanced transportation system, airlines play an

integral part in that. It is not just railroads, it is not just the water, it is not just the highway, but it is also the airlines. They play an integral part in that. There has been a lot of good that has been done by the companies, as far as helping children that have medical problems to be flown to centers and hospitals that give that kind of attention, but you never read about that. It is not a popular subject to stand up here and try to defend Bar Harbor Airlines or Valley Airlines or any of the others, but the fact of the matter is that we have to do this in the best interest of the State of Maine for balanced transportation. We have to do it for the families involved, three hundred and fifty in Bangor that are averaging about twenty thousand dollars a year in salaries. We have to do it because it is a good policy for the State of Maine. It is a good policy because any other state where they offer this type of airline service, those companies have a sales tax exemption on leased aircraft. In order for the State of Maine to compete, to be able to offer air services, it has got to be able to do this. We are just fooling ourselves. You say to this particular matter, that is fine, we have decided, no whether they did something they said they were going to do and they didn't do, we are going to say no this time. That is fine. They are going to leave, they are going to set up in offices wherever it is, but there are going to be three hundred and fifty men and women and families that are associated, that are working to make it a success, that are going to be hurt. Those employees have stayed there. There was four hundred employees the last time we took up this matter almost two years ago, there are three hundred and fifty employees there now. That is for a company that has gone through serious reorganization. That is in light of the fact that according to testimony at the hearing that the company lost money from its operation here in the State of Maine. They have had a lot of difficulty and are getting back on track. I just hate to see us cut that off as far as our transportation network and the people involved. Thank you Mr. President.

On further motion by same Senator, Senate Amendment "A" (S-346) to Committee Amendment "B" (H-633) ADOPTED.

Committee Amendment "B" (H-633) as Amended by Senate Amendment "A" (S-346) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (Emergency)

S.P. 469 L.D. 1266  
(C "A" S-289)

Tabled - June 20, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" S-289.)

(In House, June 20, 1989 PASSED TO BE ENACTED.)

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.

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (Emergency)

H.P. 1262 L.D. 1758

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION (In Senate, June 16, 1989, PASSED TO BE ENGROSSED, in concurrence.)

(In House, June 20, 1989 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-642) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED. Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Off Record Remarks

Senate at Ease  
Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator BALDACCIO of Penobscot the following Joint Order: S.P. 658

ORDERED, the House concurring, that "An Act to Recover Windfall Profits from Bottle Deposits," H.P. 787, L.D. 1099, be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.

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

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

Off Record Remarks

Senate at Ease  
Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on TAXATION on Bill "An Act Regarding State Forest Practice Laws"

H.P. 315 L.D. 429

REPORT - Ought to Pass as Amended by Committee Amendment "B" (H-635).

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF THE COMMITTEE REPORT (In Senate, June 20, 1989, Report READ.)

(In House, June 20, 1989, Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-635).)

On motion by Senator ANDREWS of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE COMMITTEE REPORT.

Off Record Remarks

On motion by Senator TITCOMB of Cumberland, RECESSED until 6:30 this evening.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 594 L.D. 1671

Tabled - June 20, 1989, by Senator HOBBS of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-344)

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ.)

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

On further motion by same Senator, Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment clarifies when a court may award attorney's fees in a case concerning the issuance of a bad check or other worthless instrument. That doesn't mean much to you, but let me explain the scenario. The Judiciary Committee was concerned with a Bill regarding the issue of worthless instruments. Unfortunately, because of a printing error, the Committee inadvertently left out the issue of whether or not attorney's fees may be awarded. It was the testimony, and the intent of the sponsor and the testimony, and the intent of the proponents at the hearing that this be the case. Unfortunately, it was inadvertently left out from the time the Bill left our Committee to the time it was Enacted. It is not a substantive change.

On further motion by same Senator, Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment is a clarification. It gives the Office of Comprehensive Land Use Planning one additional month to prepare and distribute to municipalities a guidebook on mobile home park siting. The deadline was August 21, 1989, this Amendment extends the deadline to September 21, 1989, which will give the office the time necessary to incorporate the changes in the law that have been made this session. Again, the reason this Amendment is before you is because

the Committee thought even though it was the spirit of the initial law, it was considered to be a substantive change and we wanted consideration by both Body's on this Amendment.

On further motion by same Senator, Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a very simple one. It incorporates the word "and". It essentially is a technical error which was presented. It is not substantive.

On further motion by same Senator, Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment corrects a reference to a repealed section of the law. I bring your attention to Title 9-B under our statutes. The term "security dealer" has been replaced by the term "broker-dealer", which has a broader definition than the old term but includes everyone who would have been a security dealer under the prior law. Essentially, it changes the term, it does not change what occurs. It is substantive only in the sense that the two definitions are not identical. It is not a substantive change in that the individual who originally was referred to as a security dealer is now referred to as a broker-dealer. Again, it is not a substantive change.

On further motion by same Senator, Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) ADOPTED.

On further motion by same Senator, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360) AND "C" (S-362) AND "E" (S-364) AND "H" (S-367), thereto.

Senate at Ease  
Senate called to order by the President.

Off Record Remarks

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

After Recess  
Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Concerning Immunity From Liability for Incorporators of Certain Hospitals"

H.P. 1275 L.D. 1769

In House, June 20, 1989, referred to the Committee on JUDICIARY and ORDERED PRINTED.

In Senate, June 20, 1989, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, in NON-CONCURRENCE

Comes from the House, that Body ADHERED.

The Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities"

S.P. 494 L.D. 1368

(C "A" S-348)

In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348) AS AMENDED BY HOUSE AMENDMENT "A" (H-662) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on TAXATION on Bill "An Act to Amend the Tree Growth and Farm and Open Space Laws"

H.P. 395 L.D. 526

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-640).

Signed:

Senators:

KANY of Kennebec  
ERWIN of Oxford  
LUDWIG of Aroostook

Representatives:

SIMPSON of Casco  
JACQUES of Waterville  
LORD of Waterboro  
ANDERSON of Woodland  
COLES of Harpswell  
MICHAUD of East Millinocket  
HUGLUND of Portland  
MITCHELL of Freeport

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-641).

Signed:

Representatives:

DEXTER of Kingfield

GOULD of Greenville

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.

Which Reports were READ.

On motion by Senator KANY of Kennebec, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-640) READ.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-640), in concurrence.

#### ORDERS OF THE DAY

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 594 L.D. 1671

Tabled - June 20, 1989, by Senator HOBBS of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360) AND "C" (S-362) AND "E" (S-364) AND "H" (S-367), thereto

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ. Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ and ADOPTED.)

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

On further motion by same Senator, Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is strictly a technical Amendment. It corrects the spelling of vietnam to make it one word, rather than two.

On further motion by same Senator, Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment strikes a reference to a repealed section and replaces it with a more appropriate reference. It is strictly technical.

On further motion by same Senator, Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment corrects statutory references which reflect the intent of a certain Public Law. The Public Law of 1985, chapter 763, to repeal legislation duplicating the good Senator from Kennebec, Senator Kany's favorite act, the Maine Administrative Procedure Act.

On further motion by same Senator, Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. The law originally permitted free fishing permits for residents of "adult foster care facilities", as defined in Title 22, section 7901, of our statutes. Regulation of adult foster care facilities was combined with "boarding homes" in 1985, repealing that particular section of the law and replacing it with another section. So, what this does under the new law is what used to be called adult foster care facilities is now called adult foster homes. Technical in nature.

On further motion by same Senator, Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. There was L.D. 56, which related to liquor license surcharges and what this does is it inserts a section on liquor license surcharges which is needed to correct inaccurate license fees in the statute. Unfortunately, it was inadvertently omitted during the printing of L.D. 56, which is now Public Law 1989, chapter 158.

On further motion by same Senator, Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a technical Amendment. In 1989, this year, we passed a law amending the Maine Law under Title 39, section 51-B, to reduce the time period in which an employer must pay for medical services provided to an injured employee from ninety days to seventy-five days. Chapter 256, of section 3, amended the Maine Revised Statutes, Title 39, section 51-B, subsection 7, to reflect that change, but did not correct one

reference to the ninety day period. Again, what this does is it corrects the omission to make sure that it is consistent throughout the statute. It was the intent of the Committee and it was cleared through all the appropriate channels.

On further motion by same Senator, Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment is a clarification Amendment to clarify the current law; namely, that a fine may be partially suspended or wholly suspended accompanied by probation. Again, it is technical in nature.

On further motion by same Senator, Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is an Amendment that corrects the statutory reference in the election laws. Technical, not substantive.

On further motion by same Senator, Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment corrects an oversight that occurred when the new sentence alternative in chapter 54-B, section 1341 was added to the Maine Criminal Code. Section 1152, subsection 2, is designed to include all sentence alternatives applicable to natural persons with the single exception of restitution, which is addressed in subsection 2-A. It sounds substantive, but it really is only technical.

On further motion by same Senator, Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a technical Amendment which corrects a reference to the prosecutor's office and the Maine Criminal Code. The present reference to the district attorney's office is incorrect because it fails to provide notice to the office of Attorney General in those cases which that office handles the underlying prosecution. I am sure there is some who probably wouldn't like to

notify the Attorney General's office, but it is needed and required.

On further motion by same Senator, Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "R" (S-377) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill relates to the office of the Department of the Secretary of State. It is an Amendment which clarifies the status of three positions funded in the Secretary of State by Public Law 1989, chapter 7. These positions were intended to be confidential, unclassified positions, but that indication was inadvertently left out of the Committee Amendment. Again, it sounds like a substantive Amendment, but it is my understanding that it was an inadvertent error and the positions were intended to be unclassified positions and confidential.

On further motion by same Senator, Senate Amendment "R" (S-377) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment amends Title 20-A of our statutes relating to the education laws. This Amendment clarifies a repeal provision in the education laws. It is technical in nature.

On further motion by same Senator, Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment makes a technical correction to that very important Waldoboro Sewer District Charter. That is basically technical in nature.

On further motion by same Senator, Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) ADOPTED.

On further motion by same Senator, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360), "C" (S-362), "E" (S-364), "H" (S-367), "B" (S-361), "D" (S-363), "F" (S-365), "G" (S-366), "I" (S-368), "J" (S-369), "K" (S-370), "Q" (S-376), "L" (S-371), "N" (S-373), "R" (S-377), "M" (S-372), "P" (S-375), "O" (S-374), and "S" (S-378) thereto.

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



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

Emergency  
An Act to Establish a Budget Committee for  
Kennebec County

S.P. 592 L.D. 1669  
(H "A" H-634 to C "A"  
S-323)

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on TAXATION on Bill "An Act Regarding State Forest Practice Laws" H.P. 315 L.D. 429

REPORT - Ought to Pass as Amended by Committee Amendment "B" (H-635).

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF THE COMMITTEE REPORT (In Senate, June 20, 1989, Report READ.)

(In House, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-635).)

Which Report was ACCEPTED, in concurrence. The Bill READ ONCE.

Committee Amendment "B" (H-635) READ. On motion by Senator ANDREWS of Cumberland, Senate Amendment "B" (S-379) to Committee Amendment "B" (H-635) READ.

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

Senator EMERSON: Thank you Mr. President. Could someone please explain this Amendment?

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. From the nod across the way, I understand that Senator Emerson from Penobscot, does, in fact know what this Amendment does. It is a very technical Amendment dealing with the effective date of the law.

On further motion by same Senator, Senate Amendment "B" (S-379) to Committee Amendment "B" (H-635) ADOPTED.

Committee Amendment "B" (H-635) as Amended by Senate Amendment "B" (S-379) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 594 L.D. 1671

Tabled - June 20, 1989, by Senator HOBBS of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360), "C" (S-362), "E" (S-364), "H" (S-367), "B" (S-361), "D" (S-363), "F" (S-365), "G" (S-366), "I" (S-368), "J" (S-369), "K" (S-370), "Q" (S-376), "L" (S-371), "N" (S-373), "R" (S-377), "M" (S-372), "P" (S-375), "O" (S-374), and "S" (S-378) thereto.

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ. Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) READ and ADOPTED.)

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

On further motion by same Senator, Senate Amendment "O" (S-374) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment looks substantive, but it basically is technical. When we changed the law regarding the use and utilization of intensive supervision we did not clarify into statute the appropriate provisions. This Amendment clarifies the references to those provisions in the Maine Criminal Code relating to general principles of criminal law, punishment, and other offense applicable to crimes outside of the code, specifically including the chapter on intensive supervision. It is consistent with the spirit of the law that was passed establishing intensive supervision as an alternative to sentencing.

On further motion by same Senator, Senate Amendment "O" (S-374) to Committee Amendment "A" (S-344) ADOPTED.

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

On further motion by same Senator, Senate Amendment "S" (S-378) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment makes it clear that the limit on local firearms regulations does not interfere with law enforcement agency authority to regulate the guns used by law enforcement officers as employees of that

agency. This is an important Amendment, which is consistent with the preemption Bill that passed this Session and we needed to clarify that matter.

On further motion by same Senator, Senate Amendment "S" (S-378) to Committee Amendment "A" (S-344) ADOPTED.

Committee Amendment "A" (S-344) as Amended by Senate Amendments "A" (S-360); "C" (S-362); "E" (S-364); "H" (S-367); "B" (S-361); "D" (S-363); "F" (S-365); "G" (S-366); "I" (S-368); "J" (S-369); "K" (S-370); "Q" (S-376); "L" (S-371); "N" (S-373); "R" (S-377); "M" (S-372); "P" (S-375); "O" (S-374); and "S" (S-378) thereto, ADOPTED.

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

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

Senate at Ease

Senate called to order by the President.

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

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630  
(C "A" H-586)

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586), in concurrence.)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-586).

On further motion by same Senator, Senate Amendment "B" (S-380) to Committee Amendment "A" (H-586) READ and ADOPTED.

Committee Amendment "A" (H-586) as Amended by Senate Amendment "B" (S-380) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431

Tabled - June 20, 1989, by Senator KANY of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-640), in concurrence.

(In Senate, June 20, 1989, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED, in concurrence. Committee Amendment "A" (H-640) READ.)

(In House, June 20, 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-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment deletes the provisions of the Committee Report pertains to wine, soft drinks, and liquor, it does because at the nub of this issue, we are talking about a distribution network. Presently, the bottle bill works, because of the distribution network that there is in place. It comes from a national manufacturer to a franchisee, who has a particular area of the state, a particular geography, to cover and it goes then to a retailer. Once the retailer has sold it to the consumer and the consumer returns it back to the retailer, the franchise distributor can then pick it up and then return it for recycling or redemption. That is the present system.

The proposal by the Committee is not a bad idea to try to solve the solid waste situation, but it is the distribution network that is at issue here. That little grocery store that is handling all of those bottles and cans that has recently expanded, added a little shed, so that they can store their bottles and cans, or the big grocery stores, that have a little room that they take in bottles and cans that are overflowing with bottles and cans, it is that area that is going to have to be expanded.

It is that area that nobody knows who is going to pick up those bottles and cans. It is the redemption center that is going to have those additional bottles, cans, and plastic containers that doesn't know who is going to come and pick them up, because they don't have a common distributor. We are talking about an area where there is no common distributors. There are five or six different companies that distribute very fine juices, or dole juices, or the other types of juices, that is the problem. Nobody is going to take responsibility for it. How are you going to enforce a law to require somebody to pick it up when nobody is going to say I delivered that? The first problem that has to be addressed is the distribution network. If you want to changed the distribution network and have a common banker who collects it and then distributes it, then say that in the Bill. Say that you are going to increase the cost to the consumer, tremendously. There is no question about it. That is what you are purporting here today. What it ultimately is going to do is tremendously reorganize the entire system and it is going to eliminate the choices that consumers have and it is going to tremendously increase the prices that consumers have to pay. But, it is not addressed anywhere here in this legislation.

I think in proposing the Amendment, we are saying that there is a problem with solid waste. There is a problem with landfills, there is not enough of them and you can get anybody to start citing, designing, engineering, and building landfills to handle the situation. There is no provision in this Bill that is encouraging anybody to do any recycling or any redemption. There is no incentive here. Is my little corner grocery store going to have to add on as big of a building to house what he has now, to handle what he is going to be receiving back? Is he going to be forced to do that? I think those are the issues that are of concern that are not being

addressed. What I think proposed to be a good solution to the problem is a common redemption or recycling facility that all consumers, all wholesalers, or retailers, can go to. That is what really needs to be done. I don't think the grocery store needs to become like a landfill. What is the reason that milk is exempted? The reason that milk is exempted is because of the health problems associated with it. The good Senator from Cumberland, Senator Brannigan, is very familiar with the bottle bill issue and the distribution network and we have discussed fruit juices many times in the past. The nub of the issue is the distribution network. There is no solution in this legislation to handle that particular concern. That is what needs to be addressed, the distribution network. I can't vote for this legislation if there is no relief for the local grocery store. Right now it is overflowing, it is unsanitary, and it is going to get even worse. If you talk to people in the Department of Health and Engineering you will find out how bad it really is. If push comes to shove, there would be a lot of little grocery stores who wouldn't be able to get their health licenses. It is only going to get worse. That is the first problem.

The second problem is with liquor bottles. We have a store in Kittery, Maine that operates as a discount liquor store. Its price differential is very slim, but it is more favorable than our neighbor, New Hampshire.

If you raise the price by twenty cents a bottle, according to the Bureau of Alcoholic Beverages, you might as well close down that million and a half dollar rent at Kittery, because you just lost it. You might want to add five hundred thousand dollars in freight that they are going to have to spend in order to pick up the liquor bottles at all the different liquor stores. That is what you might want to do.

Vermont took up the issue, Iowa took up the issue, they are trying to get out of it because of the problems that it is creating. Unless you really grapple with the issue and have a common redemption cite, a common recycling cite, that everybody can go to, instead of the little corner grocery store being a dump, then I think all we are doing is imposing tremendous hardships on these people in saying and hoping that somebody from heaven is going to drop down here and say, "here is your solution, or we will work it out". Frankly, I am not going to be able to vote for the Bill based on that. I have to see more hard, cold evidence of how this system is going to operate and how it is going to benefit the consumers, not that it just may work out. Thank you Mr. President.

Senator KANY of Kennebec, moved to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640).

On further motion by same Senator, 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 Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. And so we begin our debate on our solid waste management system. It is kind of interesting to me, because it is reminiscent of a debate a long time ago. When I came here as a freshman Legislator in 1975 and the then Representative John McKernan introduced a bottle bill. We heard some of the same arguments that were just articulated by the good Senator from Penobscot, Senator Baldacci, about how terrible it would be for little stores and the distribution system and expense

and so on. It was quite interesting. The people of Maine, at that point, decided that they wanted to have a bottle bill, it suited their lifestyle, their value system, it was the principle of the thing not only moving away from littering, but reusing. It seemed to be the appropriate thing to do. So, they, by vote, chose to go forward with the bottle bill. It was interesting because a few years later in 1979, those who were opponents of the bottle bill, and we have seen many of them in the State House in the last few weeks, put forward an initiated referendum to go out to the voters to repeal that bottle bill. It was quite interesting to see the results. I have them from the Secretary of State's office the other day and in 1979, "Do you wish to repeal the returnable container law". Yes, forty-one thousand, four hundred and eighty. No, two hundred and twenty-six thousand, six hundred and eighty-seven. Overwhelming support of the bottle bill.

Many people this year have asked their constituents if they would like to see an expansion of the bottle bill to include juice, liquor, and wine bottles and there have been state-wide polls on that topic. It is interesting to hear about the results of some of those polls. The Natural Resources Council of Maine found that about seventy-one percent of Mainer's supported expanding the bottle law to the degree that I just indicated. Last October, seventy-five percent of people polled by the Capitol News Service chose to extend the bottle bill to all containers and that is what we are talking about in the Amendment being offered by the good Senator from Penobscot, Senator Baldacci. He would eliminate that large portion of the Bill that the Energy and Natural Resources Committee came up with that really addresses the bottle bill and other similar items. I will go through that with you in a minute.

First, I would like to say that we consider that bottle bill portion and recycling an integral part of our attempt to deal in a logical, reasonable, adult manner with the solid waste crisis. We put forth a public purpose and we always, as we voted, tried to keep our overall goal in mind. What was our overall goal? To reduce the volume of waste at the point of generation including reducing that toxicity, to reduce the overall volume of waste that needed to be disposed of, to reuse, to recycle, to incinerate, and finally to landfill, if at all necessary, but to do whatever we do in the most environmentally safe way. It is our understanding, after a great deal of contact with the people throughout the State of Maine not only through public hearings, but through letters, phone calls, and just a great deal of contact, that is what the people of Maine want. They want an overall, comprehensive system developed in a positive way.

Probably the most sane portion of our existing comprehensive solid waste system is that portion currently which is the bottle bill, in that 5.5 percent of the municipal solid waste stream is removed by our current bottle bill. About 4.5 percent is removed by corrugated cardboard and other papers in the commercial and industrial area and that is about it. We have about ten percent now being recycled. Throughout our legislation, which was not just developed in the last month, although it may have appeared to some to be that way, since we did have a marathon session including Saturday's and Sunday's and around the clock work with staff, we actually took and learned from others. Last summer, we had a Joint Select Committee on Solid Waste, and perhaps some of you served on that Committee. In addition, the Governor, through his office, spent a great deal of time developing comprehensive

legislation, so did the Natural Resources Council of Maine and others, attempted to help deal with this crisis. Why is it a crisis? Because years ago, before we all knew what we know today, we developed landfills often in areas over our sand and gravel aquifers, so that we polluted our drinking water. Most of our landfills are having to be closed because they are either contaminating our ground water, or threatening to do so. So, we have a crisis here and we are trying to deal with it.

The portion of the Bill that Senator Baldacci from Penobscot, is attempting to gut is the following: He would eliminate the entire part D, which begins on page sixty-eight of Committee Amendment "A".

I ask you to look at it and follow along with me briefly. We would expand the definition of beverages to include "all except for milk and dairy-derived products." We would include wine, liquor, and other beverages in our bottle bill. We would require that there be at least a five cent returnable deposit on all other than liquor, or wine bottles, in which there should be a fifteen cent deposit, which would be returnable and at least twenty-five cents if, indeed, we found that not enough were being returned. Then, we would increase the handling fee from two cents to three cents, and I might point out that the handling fee is something that those small stores, that the good Senator from Penobscot, talked about. It helps the small stores, the "mom and pop" stores, to have that handling fee increased from two cents to three cents. In addition, something innovative in the next paragraph, which is section seven, our definition of redemption centers we have changed that. Redemption center, under the current law is a person, which means a corporation or an individual human being, we have expanded that so that a municipality or a regional association of municipalities could be redemption centers and thus, they could receive that three cent handling fee and thereby, that is how they could pay some workers to do some separation. We thought that was innovative and would be a positive move towards perhaps encouraging the focus on recycling at either transfer stations or recycling centers shared within regions or in a larger municipality. So, we would not hurt those small stores.

In addition, we also felt that we wanted to relieve the load from out-of-state containers being imported for disposal, so if there were over forty-eight such containers, there would be a penalty. We have an advisory committee and we gave some time to implementing that new expansion of the bottle bill. That is the primary portion of Part D which Senator Baldacci from Penobscot, hopes to gut and it is an integral part of our overall comprehensive solid waste management system that would move from the present 5.5 percent that is recycled from our municipal solid waste stream to ten percent in that alone. I urge you to vote in favor of the Indefinite Postponement motion.

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

Senator BRAWN: Thank you Mr. President. Mr. President, men and women of the Senate. I don't have a prepared speech and it is very rare that you will ever see me rise on something to do with a liquor Bill, as most of you know. But, my store, way back when the bottle bill was implemented, my son had his first job in the bottle room and I have pictures of him. My store has cooperated, done everything they were suppose to do. Also, people from my store came to testify, but by the way, this Bill was in Business Legislation then. Somehow it has gone over to Energy

and Natural Resources and late this afternoon we get a hundred pages put on our desk and there are just so many questions that I feel bombarded with. I had to rise to say that I hope you will vote against the pending motion. It is not that we are against this and I want to go on Record right now and say that we are for recycling, there isn't a problem there, but it is my understanding that we need more time to work these things out.

I would like to pose a question through the Chair to any Senator who cares to respond. Could you tell me, because I am so overwhelmed, where in this Bill are the provisions for the return of these liquor bottles? What specific plan has been put into action so that we know what is going to happen? How do we know someone is not going to take them back and put them on a landfill and keep the money? I just have too many questions and I hope you will vote against the pending motion. Thank you.

THE PRESIDENT: The Senator from Knox, Senator Brawn, 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. First of all, I would like to tell the good Senator from Knox, Senator Brawn, that the Bills regarding the bottle bill were not only before the Business Legislation Committee, provisions were included in the Governor's Bill, the Governor's major solid waste system Bill, and also in the major comprehensive Bill which was put forth by the Natural Resources Council of Maine. Both of which went directly to the Energy and Natural Resources Committee.

Since you asked about the return of the liquor bottles, that is the first element that the Committee believed should be put forth and what we intend to do is to have them returned to liquor stores, that would be the state stores or agency stores, or redemption centers. Later on, we give even more time, an additional nine months, for the rest of the system to develop and we also have an advisory committee to work with distributors and others to implement the system. I believe it is time to work it out. The people of Maine want this and we can do it if we try. We owe it to them.

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. As you all know, I was in the wholesale grocery business and I was the only officer in the company that supported the bottle bill when it came out. I was not in the Legislature at that time. What the Senator from Kennebec is talking about is a litter bill. We are all in favor of the litter bill and we are all in favor of the bottle bill, but we have several problems here that concern me. We are all in favor of taking care of solid waste. The people who pay twelve dollars for a bottle of liquor aren't going to bother to take it back for fifteen cents or twenty cents. They are not going to go back to the liquor store to do it. The landfills and the town dumps that we have in this state are now closed or are being closed. The only thing that I can put on my dump in the town of Cumberland, is wood. What do we do in the town of Cumberland? We have disposal pickup and I am sure that many of the communities around Portland do the same thing. They come around once a week and we put our waste out there and they take care of it. Once a week they come around with another vehicle and you put your white bottles in one

box and your dark bottles in another box and they are taken care of. So, I don't see any problem there.

I think it is a matter of education. People have to be trained, people have to agree, if they are really interested in this, we can't speak for everybody in this state, maybe we think we can by passing these laws, but the only way you are going to get people to conform to something is to have them agree with it. I don't think they are going to agree to take wine and liquor bottles back to the liquor store. The cost of what this is going to do to the state is unbelievable. You haven't any conception what it costs to transport these things.

Why don't they do some of these things up north? Because it costs more to transport the products down here than they are worth. We used to have a position where we used to bale paper, we used to bale all kinds of cardboard in our retail stores, do you realize that it costs us money to bring it down? We didn't get enough for those bales to pay for the transportation costs, even on a back haul. It is an impossibility. There are some real problems there. I think what you have to do is you have to do this one step at a time. You can't do it all at once. I am concerned about our state liquor stores. The Director of the State Liquor Commission has told me, personally, that if you want to put the state liquor stores out of business, pass this Bill. People are going to bring in the liquor from New Hampshire, they are going to buy it in New Hampshire, they aren't going to bother to play around with fifteen or twenty cents. Then if you don't do it, they are going to add a quarter to it. Can you imagine that? I think we have some problems here and I wish you would give it due consideration. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Knox, Senator Brawn, alluded to hearings that the Business Legislation Committee did hold on this particular matter. She is very correct. We had several Bills dealing with this particular topic. We spent six and a half hours listening to testimony, but because of a jurisdictional question, and because of the energy and enthusiasm of some members of the Energy Committee, they decided that, regardless of the actions of the Business Legislation Committee on this particular matter, they would expand what they were doing with solid waste. Let's not get away from the problem with solid waste. When I talk with people in Bangor, they ask me, "John, I clear landscaping and shrubberies and the tree limbs and the brush, I am not allowed to take it back to the landfill." Another gentleman is building a development and he is clearing up tree stumps and, God help him, I would never have thought that a dump could not take tree stumps, but a dump cannot take tree stumps because of certain reasons. You would think that they would be environmentally sound. We have problems with landfills, as they exist now. In our area we are facing closing a landfill and not knowing what to do with construction debris. Sanitary landfill, we are looking at trying to cap other landfills around our area to give us time before we have some direction as to where the new landfill is going to be. It takes time to do the design work, the permitting process, the engineering and the development of these things. We have a lot of problems in solid waste.

I believe that this particular issue is not a high priority for the Legislature to address at this particular time. If it is going to address it at this particular time, then it darn well better work

out a pretty good system for taking care of what it is creating, or all you are going to be hearing is complaints. Cost complaints, mandates, and not knowing what to do and you are not going to have any answers, other than hoping that down the road everything will fall into place. We dealt with this issue for a long time in our Committee and we were unanimous in opposition to doing this at this time. That is how the Business Legislation Committee treated this particular subject. Maybe because of that, it was developed by another Committee in another way, but the problem remains the same. I, as one Senator, cannot support that.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. In response to the good Senator from Penobscot, if not now, when? And if not this proposal, what? I have heard that comment before in this Chamber. Ladies and gentlemen, I would urge Passage of this Amended version and compliment the majority members of the Energy and Natural Resources Committee. This is the major issue of our day. The issue is not going to go away, we can't sweep it under the rug any longer. The landfills are out of space, they have reached their carrying capacity, we need to recycle, we need to do it now, we should have done it ten years ago. It is time, it is time, ladies and gentlemen.

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. What is the biggest cost that we have in our town budgets right now? It is education. But catching up fast, and perhaps as gone by it in many towns, is solid waste. Who pays for that? The taxpayers, the people. So, we settled who is paying for it now. In the future, under these proposals, you heard already quite a bit raised on the cost, that there is going to be a major increase in cost to the poor taxpayer, the poor person in the general public. Either way, the public is going to pay the cost. So, I think if we can settle who is going to pay for it, either under the present system, or under some system that we can work out that will be a major improvement on the present system. So, I think in our minds we can settle who is going to pay for it and that is not the major issue.

How long are we going to let the valleys in this beautiful state of ours to be filled with trash? How long? Is there any such thing as a good landfill? I say to you there isn't, there are some that are better than others, but there isn't any such thing as a good landfill. When it rains and the water trickles down through the garbage, where is it going? It is going into our ground water, it is going into our streams. The people in this room wouldn't live long enough, once you contaminate your ground water, to see it cleaned up. Does anybody think they would? I don't. So, we have to start making an effort and that is what not only the people on the Energy and Natural Resources Committee has been trying to do, but many people have been working on this. My people want to see something done. I venture to say that your people want to see something done. They know it is going to cost, but we have to do something to protect our environment. What are we going to leave our children and our grandchildren if we don't? Think about that. So, we have to start a good recycling program, there is no one in this room that can say that we haven't got to start that. How long can you put it off? Can you keep putting it off

year, after year, for ten or fifteen years down the road? Can you?

We have to start doing something and this is what a large group of people has tried to come up with and to the best of our ability we have given you something where you can tear apart and shoot down all you want to, but somehow or another, we have to work as a team to accomplish a goal to protect the future of our children and our grandchildren, so that they can continue to enjoy this great and beautiful state of ours such as we have.

In the recycling program there may be things that I don't like, there are going to be things that you don't like, but we have to work together, we have to compromise a little of what I don't like and a little of what you don't like and work together, as a team, for the overall goal of trying to preserve this beautiful state of ours.

I found something on my desk, as I imagine you all did, that was distributed and it concerns plan A and plan B. What is in plan B is that this proposal is based on the assumption that the current bottle bill program can be repealed and that the towns be forced to deal with all of the beverage containers. Approximately five percent of the waste stream, that is currently recycled through the bottle bill, would be left as a disposable problem for the towns. The towns can expect a major increase in their solid waste disposal budget. The dollar figure offered in item one is quite speculative, as is evidenced by the range offered and the lack of any collaborating support. The assumption that the current tax dollars could cover the cost in plan B is unsupported.

What is the proposed bottle bill expansion? The proposal asserts that the expansion covers only an additional two percent of the waste stream, while beverage distributors provide confusion and conflicting numbers to the Energy and Natural Resources Committee, the state recycling office estimates that the expansion represents approximately five percent of the current waste stream. That plan B could recycle twenty-five to fifty percent of all waste is unsupported. Handling Fees. The proposed increase in handling fees is one cent, this is exactly fifty percent over what we have now and this material asserts that it is well over fifty percent, which is not true. This is just a small example of the exaggeration that you find in the handout when you look at it closely. The handling fees are currently two cents, the beverage industry asserts that if it occurs an additional two and a half cents per container in handling costs, this gives a total handling cost of some four and a half cents under the existing system. The plan B proposal seeks to have all beverage containers handled by the towns. There are now some six hundred and fifty million containers in the bottle bill system. The expansion adds some hundred and ten million more.

Plan B would require the towns to handle all of these, some 1.4 billion at four and a half cents per container, this would cost the town some 46.8 million dollars. Plan B claims that by putting all beverage containers through the town recycling program, the towns will make money. Do you believe it? The towns do not recycle to make money, the towns recycle because it is cheaper to recycle than it is to landfill, but it still costs money. If the towns are forced to handle more solid waste in the form of more beverage containers, the towns are going to have to spend more money.

What is the real issue? The issue is whether the person buying the beverage container and throwing it away will pay for the cost of that action, or whether the property taxpayer will have to bear that cost.

Overall, to sum up all of my remarks, what sort of inheritance are you going to leave your children and your grandchildren? Thank you.

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. I can't help but think as we sit here and talk about this Bill, the shame over the last couple of years as we have read about the waste and the debris that has been allowed to wash up on our beaches. Where people weren't able to use their beaches because of the tons of waste that has washed up on our shores. Certainly here in Maine, we have had clean up crews of young people go out and, indeed, here we have had tons and tons of waste that has washed up on the shores. We cannot excuse ourselves, or make excuses for the responsibility that we have at hand. It seems to me that the people in the State of Maine have spoken about their concern about the bottle bill and about the environment. It seems to me that when the people lead, it would be very appropriate that we in Augusta follow.

It was very interesting when the good Senator from Penobscot, Senator Baldacci, spoke that he struck a very close note. He said, "the issue of taking care of what we are creating is what this Bill is all about." I contend that the issue of taking care of what we are creating is what this Bill is all about. Thank you.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate. Today's paper was correct when it promised, "lively debate likely on bottle law". It doesn't seem too long ago that this Chamber had another lively debate about expanding the bottle bill. The same lobbyists were preaching gloom and doom, drowning us with dire predictions about ruining the economy, subjecting the public to needless nuisance and expense and so forth, but somehow we managed to add wine coolers to the original bottle bill and the sky didn't fall. I am not aware that anyone was put out of business, the only noticeable change was that wine cooler bottles disappeared from the roadsides. Although you couldn't see it, there absence from the landfills left more space for other forms of trash.

This is a vitally important component of our comprehensive plan for handling solid waste. The bottle bill works, it is time to expand it. The public is overwhelmingly in favor of it, individuals are willing to do their part and they are ready to do it now. I urge you to Accept the bottle bill expansion as defined in the Majority, eleven to two, Committee Report. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I rise to speak on an issue that you would normally think that I would be for, because my record speaks for itself. I am for solid waste management. I am for recycling. I am for all of those things. I am for the bottle bill, I have been, as Chair as the Business and Commerce Committee, pushing for an addition to the handling fee. Those are correct things to do. I would like to pass this Amendment that is before you in a positive manner, so that we can go on and support a Bill that I consider very good for solid waste management. But, I cannot support Part D of that Bill that requires that all of those bottles and cans that are not considered litter, we do not think of them as litter on our

highways. Originally, when we did the bottle bill, it was because it was littering our highways. That seems to be a reasonable thing to do and it seems to have worked, but to keep extending that and expanding that to those items that we use to sustain ourselves, as in apple juice, orange juice, those kinds of things, I think is probably helping us to bypass doing the job that we should do. The job that we should do is take care of our solid waste problem. It is not the problem for just the distributors. It is not the problem of just the consumers, it is all of our problem and the way that we usually take care of a problem that concerns all of us is to tax us all equally, because we all live in the same environment.

That is what we should do. As far as I am concerned, what you should do is make solid waste management, throughout the state, a state problem. Right now we make it a municipal problem. Right now it goes on the property tax for the most part. This Bill seems to give, although I am not as familiar with it as I would like to be, some help to those municipalities. But, I think it is real important that we do not allow ourselves to give up our responsibility to handle the whole solid waste management stream. When you are going to nickel and dime this, literally, to death, you are not going to take care of your whole solid waste problem.

I remember in the 1970's, if everybody remembers the Clean Air and Water Act, when we first started these landfills, when it was first mandated by Congress. I remember going around in my area, and the municipalities telling me about how hard it was to do the landfills and refusing, at that time, to do the regional management of solid waste. They refused because landfills were the most least resistant to solving the problem, they could do it and look where we are now. Now what we are saying is that we can't handle the landfills. If we had taken the bull by the horns then, in the early 1970's, and we had said it was our problem and we needed to do it either on a regional or a numerous state basis, then we might not be in the problem we are in today.

That is what I think you are buying yourself with this. I want to support this solid waste Bill. I cannot support buying off by having us expand the bottle bill, because I don't think it is going to work. I think you are just buying yourself the same kind of time you tried to buy yourself in the 1970's when you bought the landfill. It isn't going to work. Give us a comprehensive program for all of it. You have an Amendment here that the House put on. It is to exempt the farm products. Will you tell me whether farm products are also apple juice, because I think apple juice comes from apples? I think orange juice comes from oranges. Are you exempting those? If what you are doing, in fact, is only than expanding the bill to wine and wine containers and that kind of thing, then tell us that. Let's not mickey mouse this thing, let's really have a comprehensive solid waste and let's take the bull by the horns and let's do our duty here.

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. To the Senator from Kennebec, perhaps all I can say to you is thank you, because what you are talking about in providing the comprehensive system is precisely what is in this one hundred page Bill before you. What I want you to fully understand is that the bottle bill has been an effective component, probably the most effective component, of our current lack of plan. In expansion of it is a real integral part that can truly reduce a substantial amount of the waste that

is produced here in the State of Maine. We do have a new agency here, with three officers, one of planning, one of waste reduction and recycling, and one of siting for the facilities that need to be sited in an environmentally sound way which are not being done. We have a flexible system, we have incentives, we have incentives to municipalities and regional groupings of municipalities to create recycling centers and we offer help for balers, we have revenue bonds in here, all kinds of positive things, but this portion, which Senator Baldacci of Penobscot seeks to remove would be doing just what the good Senator from Kennebec asked us not to do. It would create a piece meal system. This is part of the comprehensive whole and I urge you to go with the pending motion which is Indefinite Postponement of that which would reek havoc with an overall positive comprehensive plan which we can all be proud and which I think we could all say we participated, we helped vote for that landmark legislation.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to just say that as the Senator representing Franklin County that the good Senator from Knox made a point and that is the reason I am supporting this Amendment, presented by the good Senator from Penobscot, Senator Baldacci. Some of these issues have been debated before this Legislature already. I, personally, have never voted for, and do not intend to vote for, increasing the handling fee. Because the Committee, in its wisdom, decided that had to be in this comprehensive solid waste Bill, I am going to vote with Senator Baldacci, from Penobscot, on this Amendment.

My feeling is that you can recycle everything, including liquor bottles, wine bottles. I think it all ought to be recycled, but I am not voting to increase the handling fee. So, I only have one choice and that is to vote for this Amendment and I urge you to do the same.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640).

A vote of Yes will be in favor of INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BOST, BRANNIGAN, CLARK, COLLINS, ERWIN, ESTES, ESTY, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, RANDALL, TITCOMB

NAYS: Senators BALDACCI, BERUBE, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, EMERSON, GAUVREAU, GILL, GOULD, PEARSON, PERKINS, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

Senator PEARSON of Penobscot requested and received Leave of the Senate to change his vote from YEA to NAY.

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent, the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment

"A" (S-353) to Committee Amendment "A" (H-640), FAILED.

Senator PEARSON of Penobscot, moved to RECONSIDER whereby the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) FAILED.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Shame on us! The State of Maine is the most precious, most beautiful place on the face of this earth. I can remember when I was in college, I used to work in the United States Forest Service in the State of Oregon and I used to go into Washington State quite a bit. Washington State, at that time, had the first bottle bill that I had ever experienced and I came back to Oregon and I saw beautiful lands filled with no debris.

I came back to Maine and several years later, after I had gotten out of college and I started teaching, I ran for the Maine Legislature and I was successful. I came here and one of the very first issues I ever heard was the bottle bill. Presented by the man who occupies the second floor. I can remember all so well Representative, at that time, James McBrearity, opposed to the Bill, adamantly opposed to the Bill. He didn't think it would work, because he didn't think it would go far enough and there was a lot of other debris left on the highway. We went through so much debate at that time, it lasted so long, it took up weeks of our time to find out whether Maine ought to have our highways and byways, and the land of this state, bottle free. I don't know where you come from, but I can tell you that in my area there are people who, literally, make their living picking up bottles. They don't live very high, but they do it and it works. If you were to include these other bottles in that process, the highways would be that much cleaner. The land in this state would be that much cleaner. I think it is disgraceful what we are doing here today. I just think it is terrible. I heard all the arguments I heard today, I heard them in the 1975 when we heard that Bill. All the nay sayers in the state, 'it is not going to work, my gosh the stores don't have room for it'. I have a proprietor in a store in my town who says it is the biggest profit maker he has. He gets a better percentage out of returnable bottles than any other commodity he has. He was saying many years ago, 'it is not going to work, I don't have any room for it'. A lot of young men and women in this state, boys and girls actually, who work in the back room of a lot of different general stores in this state separating bottles. They make a little extra money doing that. You have seen them and I have seen them and some of you have even hired them. It is good for our economy, it is good for our environment, it is good for the waste stream, it is good for recycling. The only thing that I can see that is driving people here, except for the temporary inconvenience, and there will be some we know that, is the concern that almost everything boils down to, money.

You know, I live on a lake, I go out on the lake sometimes in the evening and I go out on the wharf right in front of the camp and I sit there with my dog and I say to myself, I am the richest man in the State of Maine. I don't have a lot of money, but I have something else, I have a beautiful environment that I want, that I have been able to have because I was lucky in life. Well, Maine has that for the most part and it is up to us to make sure that we continue to have it. It is up to us, nobody else is going to

do it. Just temporary inconvenience is all that it is, people. I heard all of the nay sayers before, they all said it couldn't be done, they all said it was going to be a major disruption in the economy. Well, it wasn't and even if it were, what about our environment?

When I get through the Maine Legislature, which won't be very long from now, I only have a few good years left in me, and I see my nieces and nephews or their children, or I get a chance to talk to your grandchildren, or any of the other people in Maine, I don't want to say to them on the twentieth day of June in 1989, at nine o'clock at night in the Maine Legislature, I had a chance to help Maine's environment and I blew it. That is what we are doing people.

On motion by Senator BALDACCI of Penobscot, 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 Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I hope you will vote to Reconsider and so we can get on with our job here and our responsibility to the citizens of this state and pass this solid waste comprehensive plan. Ladies and gentleman, my family will be expanding in September, my wife is expecting twins, and I want those two little children in September to live in a state like the state I grew up in, that had mountains, and sea, and clean air and clean water, and a state that they can be proud of, and they can prosper in, and work in, and be thankful for to the almighty God that gave us this great beautiful state. It is not our state, it belongs to Him above, and we have a responsibility and a duty when we get our call, and get our chance to protect it, to enhance it. Having served on the Energy and Natural Resources Committee, I can tell you that those men and women, Republican and Democrat, the vast majority are good, hard-working, compromising individuals that listen to all sides of an issue from the Natural Resources Council to the business community, to everyone. If they come out with a Report that is eleven to two, it means something in this Legislature. There is no other stronger group that I have known in my time down here. There is no bigger issue than this one. I wasn't here when we enacted the bottle bill, but I can tell you I haven't seen the Record, but I'll bet my bottom dollar the same debate was waged then, the same hocus-pocus and bologna. We did it and the citizens are proud and they are saying let's do it again. We can't pass the buck. We have an opportunity, ladies and gentlemen of the Senate, to pass a good strong Bill that calls for people to do their part. In the words of John Kennedy, "to do our part for this country, as citizens". Don't tell me Maine people can't do it, because we have done it traditionally and historically. So, let's Reconsider our action tonight and do what we know is right and allow the Committee to carry forward this issue. They have heard these arguments that we have heard for the last three or four days. They have had those people in their Committee room. Now, it is the day of the citizen to have their day and let's get on with it.

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. This is not an issue that I had ever expected to debate on. I feel that there are enough people who want to talk on it, but the good Senator from the United States Senate, George Mitchell, once gave a great wrap



around the flag speech in Congress dealing with the Iran Contra and I see a lot of people wrapping themselves around the flag today. All of the evil people who seem to be opposed to the environment of the State of Maine. I guess I will have to go back and check the way I voted in the past and the way I have felt in the past, and I think all of us who voted against this Indefinite Postponement better go back and check too, because I think we can all rest in that we have protected the environment of the state in the past and we have voted for bills to make sure that our children and our grandchildren have good clean and safe environment when they grow up and that their children will have the same.

When I grew up as a child, remember that little speech I gave last year at the end of the session, my father owned a grocery store. If you remember when we talked about that particular issue, we dealt with returnable bottles. This was before non-returnable bottles came into existence. I can remember as a kid, my job was to take care of those bottles. I remember opening the garage doors and there were bottles all over the place. My father had just a little corner grocery store. At that time, there were only a few brands, not like today when you have a million different brands, but I can remember going in and spending day, after day sorting the bottles, preparing them for the delivery trucks to pick them up and take them away. Then came the non-returnable bottles and I can remember how happy I was. Like everybody else, we saw the litter problems on the side of the road and the problem with the environment and I, along with everybody else, pushed for the returnable bottles to come back and they did. I supported it in the referendum to keep Maine clean.

This is entirely different now. We are talking about adding more and more to the bottle bill. People made a decision with the returnable bottles when they voted at the polls, but they didn't say to start including all of these different things on it. They didn't say that. People I talk to are concerned about recycling, not recycling through the grocery stores or the supermarkets. I have a real problem with buying my food at the same place where we return our garbage, I have a real problem with that. I understand that we return all of these soda and beer bottles and we have all gotten accustomed to that, but if you think we are going to solve the solid waste problem in the state, by making the supermarkets and the corner stores of this state the collectors of garbage, which is what we are asking to do the more we add to this, then I think you are going to find out that the people in Maine don't want us to go in that direction.

There is not a person in here who is not concerned about our environment. I feel as strongly about this as the good Senator from Penobscot, Senator Pearson. If we want to solve the problem with the environment, then let's solve it, let's go with the recycling. In the city of Biddeford, we were fined and we had to take care of our landfill because it was full and we were fined by the D.E.P. and we had to pay those bills. Then we came up with an idea and said well let's go with incinerators, we are paying for that today, we are paying for that, but my goodness we did something about it and we are still trying to find ways to solve our problems.

So, it is hard for me to stay in my seat when somebody comes up and says, "shame on us". Let me tell you one thing, I am standing here with not one bit of shame in my body, not one. Before anyone can say shame on me, make sure you check my record.

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

Senator BRAWN: Thank you Mr. President. Mr. President, men and women of the Senate. I concur with the good Senator from York, Senator Dutremble. I had to rise because I would just like to briefly reply also to the Senator from Penobscot, Senator Pearson. I don't feel any shame at all, and I want clearly put on the Record, that I do believe recycling is going to work. I don't have the attitude that it is not going to work. It is going to work and we can make it work together as a team if we have a specific plan. If we have certain size bottles that are going to go to certain things, my store will gladly do that, but to shove something down our throat and say, "you are going to do it right now", is not even practical. I hope you will vote against the Reconsider motion.

I would like to end by saying I was born in the State of Maine, forty-two years ago last Friday. I love this state of Maine, it is my home, it has always been my home and God willing it always will be. I have two boys that are eighteen and twenty and I soon will have grandchildren. I care very deeply about my state and I want to do what is right for it. Thank you.

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. There are just a couple of things I wanted to add to this debate, while the motion of Reconsideration is before us. One is that many municipalities have looked to incinerators. Incinerators they hope will generate electricity using as a fuel their solid waste. It sounds like a reasonable thing to do and that is an integral part of the beginning of our system here in Maine to deal with the solid waste problem. But, I want to point out what we are talking about now, the bottles and cans and so on, they are removed before going into the incinerators, they are among the non-burnables, so that even at that incinerator, they will transport them once again to a landfill. An incinerator is not the solution to these. This is a way of dealing, hopefully, reusing or creating a recyclable material out of these containers.

Second, I guess that I would like to say that I know each one of you, and you know me, and I think we know that all of us care about the State of Maine. It is part of our lifestyle to enjoy the outdoors, even those of us who sit and look at the view out the window. We all love Maine. I think that perhaps one of the problems with this Bill, at this moment with this Amendment, is that we are addressing a segment of this overall very comprehensive Bill and we are trying to debate the entire Bill and I would suggest and ask that someone Table this so that we can then go and spend the time going through the entire thing so that you understand the comprehensive waste management system that we are offering to you in this Bill. I would ask that someone Table this until tomorrow at this point.

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Off Record Remarks

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. I think that for some reason the bottle bill has kind of gotten pulled aside. It keeps coming up that this is not recycling, that for some reason we are looking at the bottle bill differently than the rest of the recycling goals that we might have. This is indeed a

very important part of recycling, which is what we, as a state, seem to be looking at. I think as we look at not only this issue, but the issues we are going to be dealing with in the rest of this Bill, there is a misconception about Maine that I think everyone ought to clear up very quickly. Vacationland is not all pure, we have some very serious, very significant environment problems right now that we have had to deal with. We have had the problems in Hope, we have had environmental sites all over this state that have rendered some of our natural resources useless. It is great for us to look at Maine as a refuge for people to come to, who are looking for this pure retreat. Maine has so many problems now, we cannot afford to let them grow any bigger. If we can do anything, even if it is only a small piece of the puzzle today, if it is the bottle extension, then we need to do that because we have a lot of problems at hand. Vacationland is a wonderful place for all of us, but it is not as pure as we would like to think it is. 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. As you go back and look at my track record since I was a young fellow, you will see that I have always stood ready and very proud, in defending my country and my flag and never once wrapped it around me. The issue here tonight is getting beclouded, the issue here is recycling. It is not the bottle bill. Let's get back to the prime issue here and to the question I asked you last time. "What inheritance do you want your children and your grandchildren to have?"

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. There has been a sincere request that this item be Tabled until tomorrow, when we can, with less fatigue and perhaps a little more order in this flurry of papers across our desk, address this massive, massive issue.

While I would have liked, as the Majority floorleader, to accommodate the request of the Senator from Kennebec, I think it is appropriate since we only have one day left in the session, and because members of both sides of the aisle were reluctant to take time from the session today to have caucuses that address this issue knowing the debate would be repeated here in the Chamber, that we do table it. I think all of you heard how I responded to the Secretary of the Senate when she called my name. I believe I voted yes and then I voted no and then I voted yes, and nobody was quite sure, least of all me. I think that my uncertainty with reference to that response to my name being called on the motion to Indefinitely Postpone the Amendment, is reflective of a lot of members of the Senate.

We are not incapable of making decisions, we are intelligent, responsible citizens of this state, we don't receive chastisement gracefully, nor do we deserve it, for we attempt to, in so far as possible, reflect our consistency with an overall perspective state wide. If I were the individual Senator voting only for me, I know I would have supported Indefinite Postponement, for there are segments of this entire Bill that are repugnant to me and I think probably most people know what it is. To suggest that all of us are absolutely certain about our position on this Bill, or on the motion to Reconsider, or the previous motion to Indefinitely Postpone the Amendment, I think is an exaggeration. I confess after all of these years of Legislative service to the same confusion as expressed by the Senator from Knox,

Senator Brawn. I didn't even know what the filing number was of the Amendment which represented the Majority Report and if I gave you a quiz, I bet you wouldn't have known either. That is the basic truth. I do know that the lobby has been participating in and watching the development of this measure which has been highlighted as one of the major at least six or seven issues of this session. There are amendments which originated not only in the other Body, but in this Chamber. I am able to place them in order and to follow along with them, because of not only the clever little color coding, but the filing numbers. I am admittedly unable to understand the thrust of each of these additional amendments and while there is some substance in the amendment as offered from the Senator from Penobscot, Senator Baldacci, that I readily can support, I have to remember that from my Senate District there is a strong sentiment to retain the bottle bill as is, as well as to expand it to fruit juices and those cans which contain ice tea and which are found in the vending machines like other carbonated beverages.

So, I am standing here admitting my uncertainty, I am not happy with what is going on. I dare say maybe you aren't either. I am not even sure of what will transpire after this, but I do know that in that eleven to two report there is merit and substance which addresses solid waste management. That concept, I can support, but if those citizens including me, in my area of the state, knew what the handling fee was, attached to some of this stream of expanded returnable containers, I submit to you that they might be less than enthusiastic about exactly what may transpire, should this Bill pass as reported out of that hard-working, dedicated Joint Standing Committee on Energy and Natural Resources.

Have you taken my time this evening to share with us your confession, Senator Clark, about your uncertainty? Because I want all of you to feel comfortable in what you are doing, and do not be made to feel defensive about your choice of yes or no. For we respect not only our diversity as members of this Chamber, but we will continue to live with the outcome and survive nicely, even. For there are a number of amendments, many of which I probably have yet to file in numerical order, that haven't seen the light of this evening yet. I do know one thing and I say it just a wee bit smugly, I was here when the bottle bill was introduced and I heard it all. On top of that, I proudly served on the Committee that dealt with it all. We all knew what it was we were doing when we did it and it works.

I am not that secure with this massive expansion fraught with handling fees which can be accelerated or contracted as the experience is documented goodness knows where. For if there is a weak link in this whole waste stream cycle it is answering the question, who is going to pay? I would submit to you that it is that hard-working, truck driving, citizens in Franklin and Somerset Counties, as well as the rest of our counties, who is going to pay and I hope, members of the Senate, that it is not as they say at the track, "through the nose." Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) FAILED.

A vote of Yes will be in favor to RECONSIDER whereby the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) FAILED.

A vote of No will be opposed.

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BOST, BRANNIGAN,  
CLARK, COLLINS, ERWIN, ESTES, ESTY,  
GAUVREAU, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, RANDALL, TITCOMB,  
THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BERUBE, BRAWN,  
BUSTIN, CAHILL, CARPENTER,  
DILLENBACK, DUTREMBLE, EMERSON, GILL,  
GOULD, PERKINS, THERIAULT,  
TWITCHELL, WEBSTER, WEYMOUTH,  
WHITMORE

ABSENT: Senator MATTHEWS

17 Senators having voted in the affirmative and  
17 Senators having voted in the negative, with 1  
Senator being absent, the motion of Senator PEARSON  
of Penobscot, to RECONSIDER Failing to INDEFINITELY  
POSTPONE Senate Amendment "A" (S-353) to Committee  
Amendment "A" (H-640), FAILED.

On motion by Senator BALDACCI of Penobscot,  
Senate Amendment "A" (S-353) to Committee Amendment  
"A" (H-640) ADOPTED in NON-CONCURRENCE.

House Amendment "D" (H-661) to Committee  
Amendment "A" (H-640) READ and ADOPTED, in  
concurrence.

House Amendment "E" (H-663) to Committee  
Amendment "A" (H-640) READ and ADOPTED, in  
concurrence.

Senator KANY of Kennebec, moved to RECONSIDER  
whereby it ADOPTED Senate Amendment "A" (S-353) to  
Committee Amendment "A" (H-640).

Senator BALDACCI of Penobscot requested a  
Division.

Senator KANY of Kennebec requested a Roll Call.  
Less than one-fifth of the Members present and voting  
having risen, a Roll Call was not in order.

On motion by Senator ERWIN of Oxford, 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 Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr.  
President, men and women of the Senate. I rise today  
to share the confession from my friend and colleague  
from Cumberland. Senator Clark, as to all the  
implications of option of Senate Amendment "A" to  
Committee Amendment "A". It seems to me that many of  
us have intimately involved in somewhat arcane and  
intricate discussions and negotiations on a realm of  
issue and although I have attempted to read the  
amendments and the Bill before me, I don't fully  
appreciate all of the consequences of drafting onto  
our bottle bill wine products. I obviously have  
major considerations regarding the so-called plan of  
distribution, I think the debate which preceding our  
votes for me was for me less than fully illuminating,  
I do need additional time to come up with a firm  
opinion, a rational opinion, as to which way I would  
vote on this measure. It seems to me that the Body  
is evenly divided, as shown by the seventeen to  
seventeen vote a few moments earlier. I believe the  
Chair of the Joint Standing Committee on Energy and  
Natural Resources suggested the matter be Tabled and  
that, of course, is not subject to discussion or  
negotiation. But, from my point of view, I doubt  
very seriously if in the next few moments my  
questions and doubts to the efficacy of the proposed  
plan of distribution will be resolved.

So, at least from one members point of view, I  
think this matter should lie on the Table for a  
period of time so we can come to some conclusion on

some of these issues. If someone were willing to  
make that motion, I certainly would be supportive of  
it. Thank you.

THE PRESIDENT: The pending question before the  
Senate is the motion of Senator KANY of Kennebec, to  
RECONSIDER whereby it ADOPTED Senate Amendment "A"  
(S-353) to Committee Amendment "A" (H-640).

A vote of Yes will be in favor to RECONSIDER  
whereby the Senate ADOPTED Senate Amendment "A"  
(S-353) to Committee Amendment "A" (H-640).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BOST, BRANNIGAN,  
COLLINS, ERWIN, ESTES, ESTY,  
GAUVREAU, HOBBS, HOLLOWAY, KANY,  
LUDWIG, MATTHEWS, PEARSON, RANDALL,  
TITCOMB

NAYS: Senators BALDACCI, BERUBE, BRAWN,  
BUSTIN, CAHILL, CARPENTER, CLARK,  
DILLENBACK, DUTREMBLE, EMERSON, GILL,  
GOULD, PERKINS, THERIAULT,  
TWITCHELL, WEBSTER, WEYMOUTH,  
WHITMORE, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators None

16 Senators having voted in the affirmative and  
19 Senators having voted in the negative, with No  
Senators being absent, the motion of Senator KANY of  
Kennebec, to RECONSIDER whereby it ADOPTED Senate  
Amendment "A" (S-353) to Committee Amendment "A"  
(H-640), FAILED.

On motion by Senator HOBBS of York, Senate  
Amendment "E" (S-381) to Committee Amendment "A"  
(H-640) READ.

THE PRESIDENT: The Chair recognizes the same  
Senator.

Senator HOBBS: Thank you Mr. President. Mr.  
President, men and women of the Senate. The purpose  
of this Amendment is to condition the State's  
prohibition of the sale of products connected by  
plastic holding devices on the passage of similar  
laws by two other New England States. Essentially,  
it triggers the effective day on passage of the law  
by two other New England states.

It is my understanding that if we enact this  
particular provision of this Bill, that we will be  
the first state in the nation to have enacted such a  
law. As you know, Maine is one of sixteen states  
that presently have a biodegradable law on our books  
which passed in 1978. What this Amendment will do is  
allow the State of Maine essentially to be a leader,  
but not as fast.

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. As I  
understand this Amendment, those plastic holder like  
things that go around the bottle and cans that you  
and I purchase in different stores would not take  
effect unless two other New England states did the  
similar thing. While I think it would be awfully  
good if a lot of other states did it and it would be  
particularly good if New Hampshire and Vermont did  
it, because they are our sister states.

I think it is well intentioned because it would  
be more effective that way. I don't think that we  
ought to wait for other states to do that. I have a  
memo here on my desk from the Bureau of Marine  
Patrol, and I would like to quote from it. "I have  
personally had to do away with gulls who have had  
plastic six pack holders over their neck and were

unable to eat because of that. I have had several boats in my area become disabled with plastic salt bags covering their propeller." I feel very strongly about environmental issues, as you probably know, and perhaps in occasions I get carried away, but I would hope that you would give this some consideration. Joseph Coors, of the Coors beer people, used to have beer packaged that way also. He himself, decided not to do that anymore, because he saw the environmental problems that it caused with fish and birds. He personally saw some of them die because they had these plastic holders wrapped around them. Now, they are biodegradable, but they are not biodegradable fast enough to prevent some of these animals, fish and wildlife from dying. They are not necessary. One of the major beer manufacturers in this country, the Coors people, have done away with them, other people can do away with them also. If you go downstairs to the snack bar we have and you go in the cooler, they are all wrapped with these things. They don't need to be wrapped with those things. They didn't do that when I was a kid, they don't need to do that now. It is just one of those unnecessary, hurtful things that are done on our environment.

Senator PEARSON of Penobscot, moved to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640).

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

Senator BRAWN: Thank you Mr. President. Mr. President, men and women of the Senate. I concur with the good Senator from Penobscot, Senator Pearson, and would like to share a story very briefly with you that did just occur. I hope that you will not take this Amendment, we have had the good fortune in the State of Maine to go to a lovely cottage in Lincolnville every summer and this recent Sunday, on Father's Day, when my family was all gathered together, the younger of the other children in our family said, "the geese are coming". So they always get the bread and they run down on the float and they feed the geese. We have been doing this traditionally for years. I hate to admit to you that I did not go out that time, because I was tired and I was sitting down reading the paper, when I heard the littlest child say, "what is on that goose's neck, mommy?" It was one of these plastic containers around this Canadian goose's neck. Needless to say, I contacted the Fish and Wildlife and they are going to take care of it and I will be glad to share with you what happens. But, Senator Pearson is exactly correct, these are very dangerous items and they should be banned. Thank you.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to add my feelings about these plastic holders too, to those already expressed by the good Senator from Penobscot, Senator Pearson, and the Senator from Knox, Senator Brawn. Not only am I disturbed by the number of fish, animals, wildlife, which have ended their lives prematurely as a result of these plastic holders, but the whole idea of biodegradability is a farce. One member of our Committee who tried to demonstrate the photo degradability of one of these holders has had one hanging on his garage for twenty months now and it is still flexible and very much intact. We were shown in one of these expensive folders which you have been given by the lobbyists who were not incidentally retained by the "mom and pop" grocery stores, whom we are all so concerned about, that they showed us four pictures in one setting, they were supposed to have been taken at

different periods of time over a period of months. One of our sharp-eyed Committee members noticed that the knots in the wood that was holding up these respective six pack holders were quite different. Two were taken in one setting and two in another, but the way they were laid up it was a misrepresentation of fact in terms of showing how easily these things degraded. Indeed, in one of the folders which we were handed, there was a very brittle piece of plastic six pack holder which would break in your hand when you pushed on it, but it still left some very sharp slivers that I think birds like partridge, pheasant, birds which go around and eat gravel, which apparently they can digest, but these are sharp little pieces which I think could be far more harmful to their digestive systems. Paper is available, there are other methods of holding six cans or six bottles together and I would like to see us do something a little imaginative and a little good for the environment for this department and lead the way in terms of banning plastic six pack holders. I hope you will consider this.

Senator HOBBS of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640).

A Division has been requested.

Will all those Senators in favor of the motion by Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640), please rise in their places and remain standing until counted.

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

23 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640), PREVAILED.

Committee Amendment "A" (H-640) as Amended by Senate Amendment "A" (S-353) and House Amendments "D" (H-661) and "E" (H-663) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Department of Child and Family Services" (Emergency)

H.P. 1199 L.D. 1666

(C "B" H-622)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-621).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-622).

In House, June 19, 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-621).

In Senate, June 19, 1989, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621) AS AMENDED

BY HOUSE AMENDMENT "B" (H-658) thereto, in NON-CONCURRENCE.

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. As you know, this is the issue that deals with the establishment of the Department of Child and Family Services. I would have thought that before we set up such a brand new department, which by the way D.H.S. estimates will cost them for its share 2.4 million dollars, not to mention Mental Health, not to mention the Department of Corrections, the Department of Alcoholic Drug Abuse and the other departments that deal with children services. It seems to me that before we dealt with creating this department, we could have determined the costs of maintaining such a bureaucracy.

I guess it is sort of full steam ahead, if you will, without knowing what the administrative costs will be. The start up has been dwindled down from three hundred and seventy thousand dollars to one hundred and ninety thousand, however. I would like to point out that a few years ago, in 1987, we created with the same rationale, a department called the Maine Department of Vocational Institute. We gave them, at that time, two hundred and fifty thousand dollars. This was for fiscal year 87, to set up a separate administration apart from the Department of Education. I remember vividly that within a year, that they had twenty-four people on board for that administration, their budget was no longer two hundred and fifty thousand dollars, but one million dollars, and that although the personnel number count remained constant, in fiscal year 89, which is this year ending, was 1.7 million dollars. For fiscal year 90, which is next year, remaining constant at twenty-four people, the budget is two million. This is for the administration only. I simply point that out to remind you that it is very easy to create, with one hundred and ninety thousand dollars, a new department, a new bureaucracy, but within a few months you will be faced with a big increase.

We have passed a Bill that separates the juvenile case workers establishing a Bureau of Juvenile Corrections, and that will be 1.8 million dollars for the biennium to start. I guess tonight I feel disillusioned of our inability to sift what is needed against the expedient. I feel discouraged for the elderly and the mentally handicapped, who after June 30 in my district, will be deprived of public transportation because funding has been cut. Yet, we cannot find money to replace those funds, as of yesterday I am told, but we can manage to find one hundred and ninety thousand dollars to create a new department not knowing what the costs will be next year. I had hoped that the Ought to Pass Report B, which was the Minority Report, might have been accepted. It was last night, I was hoping it might fare better in the House today and tonight here as well, because it would have simply, as you recall, have given us the statistics of what it would cost and what they would accomplish. I guess most of all I feel for the working taxpayers who some vested in special interest groups, you as a bottomless pit from which to dip in constantly. I firmly believe that if we continue in this course, we are on a collision course with self-destruction. I know that some people may have left us today, as a result of persuasive arguments, however, I leave for someone else to make the motion. Thank you.

Senator CLARK of Cumberland, moved to RECEDE and CONCUR.

Senator WEBSTER of Franklin requested a Division. THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to RECEDE and CONCUR.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator CLARK of Cumberland, to RECEDE and CONCUR, FAILED.

Senator WEBSTER of Franklin, moved to ADHERE.

Senator ERWIN of Oxford requested a Division.

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

Senator COLLINS of Aroostook, moved to INSIST AND ASK FOR A COMMITTEE OF CONFERENCE.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator COLLINS of Aroostook, to INSIST AND ASK FOR A COMMITTEE OF CONFERENCE.

A vote of Yes will be in favor to INSIST AND ASK FOR A COMMITTEE OF CONFERENCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators None

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, with No Senators being absent, the motion of Senator COLLINS of Aroostook, to INSIST AND ASK FOR A COMMITTEE OF CONFERENCE, FAILED.

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

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:

Bond Issue

An Act to Authorize General Fund Bond Issues in the Amount of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities

S.P. 608 L.D. 1702 (C "A" S-332)

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Senate at Ease

Senate called to order by the President.

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

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Establish the Bureau of Juvenile Corrections"

H.P. 1147 L.D. 1590  
(H "A" H-569 to C "A"  
H-496)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496) AS AMENDED BY HOUSE AMENDMENT "A" (H-569) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496) AS AMENDED BY HOUSE AMENDMENT "B" (H-650) thereto, in NON-CONCURRENCE.

The Senate INSISTED.

Sent down for concurrence.

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

ENACTORS

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

An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue

H.P. 670 L.D. 918  
(H "A" H-630 to C "A"  
H-531)

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

An Act Concerning the Maine Railroad Excise Tax

S.P. 235 L.D. 565  
(H "B" H-631 to C "A"  
S-277)

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

An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims

S.P. 318 L.D. 855  
(H "A" H-619 to C "A"  
S-295)

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

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

ENACTORS

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

Emergency

An Act Regarding Minimum Lot Sizes and Other Municipal Regulations Concerning Mobile Home Parks

H.P. 866 L.D. 1205  
(H "B" H-624 to C "A"  
H-510; S "A" S-280)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1989

H.P. 1264 L.D. 1760  
(H "A" H-623)

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

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

COMMITTEE REPORTS

House

Ought to Pass

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

H.P. 1276 L.D. 1770

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.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1277 L.D. 1771

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 Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BALDACCIO for the Committee on TAXATION on Bill "An Act Concerning Technical Changes to the Tax Law"

S.P. 124 L.D. 209

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-383). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-383) READ and ADOPTED. Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended. Under suspension of the Rules, ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:  
PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce"

H.P. 438 L.D. 603  
(S "A" S-346 to C "B" H-633)

In House, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633).

In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633) AS AMENDED BY SENATE AMENDMENT "A" (S-346) thereto, in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

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

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

COMMITTEE REPORTS  
House

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Preferred Provider Arrangement Act of 1986"

H.P. 560 L.D. 758

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-643).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-643).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-643) READ and ADOPTED, in concurrence.

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

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

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

COMMITTEE REPORTS  
House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Increase County Share of Real Estate Transfer Tax"

H.P. 602 L.D. 826

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-660).

Signed:

Senators:

ANDREWS of Cumberland

BALDACCI of Penobscot

Representatives:

TARDY of Palmyra  
NADEAU of Saco  
DUFFY of Bangor  
DIPIETRO of South Portland  
SWAZEY of Bucksport  
CASHMAN of Old Town  
DORE of Auburn

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

SEAVEY of Kennebunkport

WHITCOMB of Waldo

JACKSON of Harrison

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-660).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-660) READ and ADOPTED, in concurrence.

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

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

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Revise the Communicable Disease Law"

H.P. 1122 L.D. 1554  
(H "A" H-609 to C "A" H-408; S "B" S-342)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408), in concurrence.

In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408) AS AMENDED BY HOUSE AMENDMENT "A" (H-609) thereto, in NON-CONCURRENCE.

In Senate, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408) AS AMENDED BY HOUSE AMENDMENT "A" (H-609) thereto, AND SENATE AMENDMENT "B" (S-342) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408) AS AMENDED BY HOUSE AMENDMENT "A" (H-609) thereto, AND HOUSE AMENDMENT "A" (H-659) in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

JOINT ORDER - recalling An Act to Recover Windfall Profits from Bottle Deposits (H.P. 787) (L.D. 1099) from the Governor's Desk to the Senate S.P. 658

In Senate, June 20, 1989, READ and PASSED.

Comes from the House, READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Senate ADHERED.  
Sent down for concurrence.

ORDERS OF THE DAY

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

An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay

S.P. 509 L.D. 1397  
(C "A" S-299)

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 15, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299).)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

Senate at Ease

Senate called to order by the President.

On motion by Senator PERKINS of Hancock, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01 a.m., June 21, 1989.

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

Bond Issue

An Act to Authorize General Fund Bond Issues in the Amount of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities

S.P. 608 L.D. 1702  
(C "A" S-332)

Tabled - June 20, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332).)

(In House, June 20, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

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. We had a number of Bond Issues that were dealt with in the Appropriations Committee, some that were successful and some that were not, and some of them that were compromised one way or another in order to stay within a reasonable amount of money. One of those Bills was the so-called prison construction Bond Issue, which was broken into two parts, but still remains in the same Bill. One is a fourteen million dollar part and a thirty-five million dollar part, one for juveniles and one for maximum security of prisons. The Bill, since it originated with a sponsor in the other Body, they had a vote on it in

the other Body and the Bill was suppose to have been held in the other Body. Inadvertently I am told, by the Clerk of the House, he neglected to hold the Bill. So, it consequently has come over to this Body and ask that the Bill be sent back to the House and I intend to honor that request. In order to do that, we have to refer this to a sort of bogus Committee in order to technically get it out of the Senate and into the House.

On motion by Senator BUSTIN of Kennebec, the Bill and Accompanying Papers COMMITTED to the Joint Select Committee on CORRECTIONS in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS  
House

Ought to Pass

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

H.P. 1279 L.D. 1772

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.

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

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

COMMITTEE REPORTS  
House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste" (Emergency)

H.P. 1272 L.D. 1768

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-665).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-665) READ and ADOPTED, in concurrence.

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

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

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

ORDERS

Joint Order

On motion by Senator TWITCHELL of Oxford the following Joint Order: S.P. 659

ORDERED, the House concurring, that H.P. 895, L.D. 1239, "An Act to Amend and Update Laws



Pertaining to Inland Fisheries and Wildlife" be recalled from the Engrossing Division to the Senate. Which was READ and PASSED.

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

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431  
(S "A" S-353 & H"D" H-661 & H "E" H-663 to C "A" H-640)

In House, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.

In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY SENATE AMENDMENT "A" (S-353) AND HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto, in NON-CONCURRENCE.

Comes from the House. that Body ADHERED.

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

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Clarifying Intoxication Under the Workers' Compensation Law"

S.P. 118 L.D. 184  
(C "A" S-182)

In Senate, June 1, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182) AS AMENDED BY HOUSE AMENDMENT "B" (H-664) thereto, in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS  
House

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (Emergency)

H.P. 837 L.D. 1169

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-611).

Signed:

Senators:

ESTES of York  
BOST of Penobscot

Representatives:

CROWLEY of Stockton Springs  
HANDY of Lewiston  
OLIVER of Portland  
O'DEA of Orono  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-612).

Signed:

Senator:

GILL of Cumberland

Representatives:

SMALL of Bath  
O'GARA of Westbrook

AULT of Wayne

NORTON of Winthrop.

KILKELLY of Wiscasset

Comes from the House Bill and Accompanying Papers RECOMMENDED to the Committee on EDUCATION.

Which Reports were READ.

Senator CLARK of Cumberland, moved to RECOMMEND the Bill and Accompanying Papers to the Committee on EDUCATION, in concurrence.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I am not fond of getting up at this time of the morning and debating an issue, but I feel I am forced to do that this morning.

I would like to ask the Senate to vote against the pending motion to Recommit this Bill to the Committee. The Committee on Education has spent a great deal of time on this Education Loan Authority Bill and in all that we heard from people, and the room was filled when we had the hearing, there were only a couple of people who objected to the Bill. They were state employees, who are presently employed by the Department of Education. The Committee, as a whole, felt that the employees should be protected in their new environment, under the Maine Education Authority, and we, as a whole group, unanimously felt that we had to protect the state employees who were transferred over to that authority and to protect their retirement benefits. The only other members who were opposed to the Bill were the seven members of the Majority, who signed the Report out in the Majority form.

I must say that we spent a great deal of time on this Bill. We had many work sessions, there were numerous questions that were asked of various people who were in attendance in the Committee hearing room and there seemed to be a feeling that there could be a never ending supply of questions, because there never was a full answer that could be given to all of the questions. We decided that we would finally vote on the Bill and we did break down into a seven to six Report. The last few days, this Report has been in the other Body on the Table and we have been trying to work things out, as a Committee, to see if there wasn't some agreement or arrangement and I feel that this Bill was brought to the floor very quickly at this late hour and not given ample time for preparation for debate in this Body tonight.

I would like to read a couple of letters to show you why we feel this is so important. We have had a number of students who were present at the hearing who indicated that they were very anxious to have this loan authority proceed. One of them is a junior in Business Administration program at the University of Maine and, "both she and her sister have experienced the maze created by the present financial aid system. Currently there is no single financial aid information source to assist students and their families through this intricate process. Also, there is no career counseling outreach program for Maine students. What financial aid and career counseling information there is available to students, is not centralized. The creation of a Maine Educational Loan Authority, will provide a comprehensive, integrated delivery system of financial assistance and career counseling. This is a service that is

greatly needed and deserved by Maine residents. Maine residents are worthy of scholarship programs which lessening the financial burden, promote educational opportunities, and provide diversity of educational choices. I am saddened when I learn of students who do not go on to higher education or who have to give up after starting out, because they believe they can't afford it. Increasing the base amount for these scholarships can only increase the opportunity for Maine students." She ends by saying, "she appreciates the opportunity to share her views with the Committee."

I have several pieces of correspondence and I am not going to read them into the Record tonight, but there is a great need to have a coordinated effort where loans, scholarships, and grants are concerned and the Maine Education Authority will provide that.

We have the willingness of the Department of Education and Cultural Services to work together to form this Maine Education Authority, and the Maine Education Authority will insure that information and counseling and the application for loans and grants will be assessable to Maine parents and individual Maine students needs through a "one stop shop" approach. Speaker John Martin, Senator Michael Pearson, Representative Mary Small, and I were sponsors of this legislation. It was L.D. 1169 and it does provide for the establishment of this authority. The authority would provide a single source of financial aid information for students and parents, it would offer an outreach service that is now not provided, including a toll free number, a training session for guidance counselors, an assembly and dissemination of information ranging from scholarship application to debt management, a state-wide financial aid information sessions for parents and students, coordination of services with other agencies. It includes a lender of last resort program to serve a specific group that is currently excluded from both traditional parent loan programs and from need based scholarships. It coordinates the many graduate and undergraduate state grant loan programs. The Maine Student and Center scholarship, the Blaine House scholarship, the State Osteopathic Loan Fund, the Post-Graduate Medical Education Fund, the Stafford Loan, the Paul Douglas teaching scholarship, and the Maine Educational Loan. It enables the state to respond quickly to national trends. It is flexible and it will meet the challenge that Maine families need to have met. It permits students to receive state financial aid funds on a more timely basis and it increases visibility and accountability to the Legislature. The annual funding requests, the program operations report and the advisory council report will be filed directly with the Legislature and to the Governor and to the Committee on Education. The programs that we have included in our Minority B Report have been somewhat adopted by the Majority A Report. We are flattered to think that the majority would like to include some of the language of the programs that we had come up with in their Report. But, the one thing that ours does is it sets in place the Educational Loan Authority immediately. We have students in the State of Maine, who have already applied for scholarship loans and who are hoping to hear and go on to college, the applications were in, in May and are being processed and it would be very helpful if this loan authority could go into place so that we could coordinate all of the information.

As we worked through the two various Reports and realized that we were coming out with two Reports, we tried to address some of the concerns that the seven members who signed onto the Majority Report found

that they wanted to look into further. We spent a long time addressing some of those things. They were concerned about transition time and we changed the preamble so that the effective date of the loan would be later than it was in the original Bill. We put it to October of 1989 to try to get people interested in our version of the Bill. We wanted to establish a transition plan so that a working group already established, consisting of the Commissioner of Education, the Commissioner of Finance, the State Treasurer, State Controller, Director of the Budget, the Governor's office, and other related parties would fit into this transition arrangement.

The Department of Education had employed an accounting firm to come in and a management firm to look at how this transition was to take place. We do expect to have that report within three or four weeks. There seemed to be, through the people who we dealt with who did study this and I have to back up a little bit, because the original idea of the Maine Education Authority was brought about by a Bill that a former Representative from the there Body brought to the Legislature. My understanding is that it called for a study and was never funding, because of the lack of funding as we are seeing now. The Commissioner of Education had been newly appointed and as she took here position decided that she would set up a Committee to look into the establishment of this loan authority. Commissioner Bither set up a working group who looked into all aspects of setting up this loan authority, and there are a number of people on there who are very well recognized; the Chairman and President of Unity College was the Chairman of that Committee, we have the Director of the Office of Financial Aid to the University of Maine, we had the Associate Commissioner, David Brown, who was Commissioner of the Department of Education and Cultural Services. Frank Farrington, who is vice-chairman of the task force, he is from Farrington Financial group. Ann Marden who is a real estate broker, Ronald Milliken, who is Director of Financial Aid for the University of Maine at Farmington, Walter Molten who is Director of Financial Aid at Bowdoin College. Patricia Plant who is President of the University of Southern Maine. Barbara Woodley who is Director of Kennebec Valley Vocational Technical Institute and David Verrill who is President of Maine National Bank. The Maine State Board of Education played a part in this too, so we had a very well rounded group of people who were very knowledgeable about financial aid and the direction that this loan authority should go. We do have a report that indicates that this is the direction and they decided to proceed with that.

One of the problems was that we did get the report late into the session and that has caused some controversy among members of the Committee because the information wasn't forthcoming early enough. I think it is fair to say that the members of the Minority Report feel very secure in seeing that this Bill should be passed and should not be Recommitted to the Committee at this point. They feel they have enough information, they would be willing to provide any members of the Senate with any information that they feel they require, if there are any questions that might come up. But, it is imperative that this Bill get passed at this point in time and get put into place so we can go ahead with helping Maine students go to college.

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

Senator ESTES: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge members of this Body to vote in favor of the motion

to Recommit. This issue came before the Committee on May 8, the Bill was printed in mid-April and after working many long hours in and out of Committee, at seven work sessions, while we were also handling four other major issues before the Education Committee. We came to an impasse as we faced the deadline for Bills to be reported out of Committee.

On those other issues we were able to hammer out an unanimous report, a report that went through the Legislature without any difficulty. One of the reasons that we had difficulty with this report was because we were talking about creating a brand new government entity that was going to administer and oversee and coordinate the old, the new, and the expanded financial aid program. We were going to take the division of higher education out of the Department of Education and transform it into this new autonomous corporate authority. It was unfortunate that we had to cease at that time and get a Bill out because we were under the deadline.

As far as the money goes, the expansion of the Maine Student Incentive Scholarship Program, as far as the loan of last resort, they are parallel recommendations in the Majority and Minority Report that will go through. We had the final Committee task force report come to the Committee on May 24, after we had held a hearing, after we had held two work sessions, it was at the third work session that the final report came out. We feel that we need more work in Committee in regards to this authority.

I might bring to you attention that it was both with the FAME and the Health Care Finance Commission that a great deal of analysis was taken before any action took place in the Legislature to create those two agencies. I have before me the report that gave rise to FAME, this is 1981, the Blaine House Conference on Small Businesses, the preliminary report in 1982 and the final report which came out in 1983, with close coordinated work with a local and state government committee. I would urge that you support this motion to Recommit so that the Committee can go back to work and try to hammer out, like we have with our other reports, a compromise that we all can live with and be proud of to provide the students and parents of Maine with the best possible financial aid service that we can.

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

Senator BOST: Thank you Mr. President. Mr. President, men and women of the Senate. I will not debate the issue at this juncture as difficult as that is for me, because I, as well as all of the other members of the Education Committee, have been embroiled in this issue for the last eight weeks. I will only speak to the motion before us which is that to Recommit. A vote to Recommit, as far as I am concerned, is a vote to attempt to reach some compromise on this issue, an issue which has unfortunately developed into something quite contentious. The rhetoric, sometimes fierce, that has surrounded the Maine Education Authority proposal has regretfully taken the issue of the delivery of student aid and divided it basically into two groups. Those who would have us rush headlong into a major departure from the manner in which we currently deliver student aid in this state, and those who feel we need to improve our existing system, but that we want to make certain that when we make those improvements, we do so wisely. As a signer of the Majority Report, I subscribe to the latter, that rather than divide and conquer where, as we all know in the Legislative process there are no winners, in that scenario only losers, that we Recommit this Bill to the Joint Standing Committee on Education and that

we try to resolve our differences. That is the process that makes this place work and I would hope that you would support the pending motion to Recommit. Thank you.

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

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I will just briefly apologize to my colleagues for keeping you here any longer, but I feel that I do need to say just a few words on this legislation.

I agree with the good Senator from Cumberland, Senator Gill, and urge you to not to support the motion to Recommit, so that we can go on and accept one of these Reports of this legislation, hopefully Report B.

I don't have a lot of experience in the area of education, I have to tell you that right off the bat, but I do know that the Education Committee has worked for a long time on this issue, for the short time that it has been available to them and I recognize the constraints that they have been under and I do appreciate those, but the perspective that I am talking to tonight is that of a parent. As probably many of you know, I have a child that is going onto college in the fall, and I am faced with the responsibility that is really awesome sometimes on how to put together a financial aid package. I have talked to many of my daughters friends parents about financial aid packages and they say to me repeatedly that when you go to Augusta, couldn't you do something like other states have to provide "one stop shopping" for financial aid? Report B of the Committee would do that, it would provide the "one stop shopping" and it would do it now. I know that would greatly benefit not only myself, but many other parents that are in the situation that our family is in right now.

The state authority will improve the delivery of higher education financing in Maine. With passage of the L.D., we would be able to deliver financial aid resources and services for the upcoming school year. Further delay may cause thousands of Maine students and their families to wander through the process not really knowing how to get financial aid in Maine. At the present time, I don't know if any of you have done it recently, but I can tell you that filling out financial aid forms is like filling out your income tax forms, it is a terribly burdensome process. There are applications for scholarships, there is the Blaine House Scholars Program applications, there are the financial aid forms, which is many pages thick and it is very difficult, unless you have done this before, to know which scholarships to fill out and then when you start to fill them out, you come across all of these questions. When you are doing you income tax you can hire an accountant perhaps, you can call the toll free number, but there is really no such service when you are filling out financial aid packages and it is very frustrating to me and I know it is to a lot of other adults. I just hope that we don't, in our haste tonight, vote to Recommit this to Committee, so that we can provide some meaningful financial aid services to people who need it for the 1989 school year.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator ESTES: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to make a correction to the comments of the good Senator from Sagadahoc, Senator Cahill. When we were faced with the decision of voting this out of Committee, there was an emergency preamble on the

original Bill. That emergency preamble was stripped off in the Minority B Report.

The actual authority will not be in place and operating until January 1, 1990, it will not be delivering services until the academic year of 1990-91. We have time and I think if we had more time and had we known we were not going to be faced with an emergency measure in this session, I think that we would have been able to work out something that would have been accommodating to all sides.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. With a great deal of reluctance, I rise to discuss this item. I have the greatest respect for my good friend, the Senator from York, Senator Estes, and I respect his talents on the Education Committee. So, I guess it is the lateness of the hour and my brain doesn't seem to work very rapidly, but I don't seem to understand the necessity to delay this entity which could be such a great and satisfactory thing for young people in this state. I recall, during the month of April, this report that crossed my desk. This report was a task force report essentially that lead to the creation of the Bill and the proposal for a "one stop shopping" center, the way I read it. As I recall there was a recover letter from Commissioner Bither, stating that in November of 1987, she created this Committee. It seemed to me that a year a half was a reasonable amount of time to study it and I, like the good Senator from Cumberland, Senator Gill, noted all the names that were on that rather prestigious Committee. I also noted that all of the financial aid people throughout the State of Maine, both in the private sector and in the public sector, suggested that this was, indeed, a very good idea and were very supportive of it. I received a letter, as recently as yesterday, from one of the private colleges suggesting that I support this measure. It is with somewhat of a degree of amazement, if you will, that I find the Committee has divided on the issue, which apparently to my way of thinking seems like such a great idea and so beneficial to our young people and to help them secure the information and funding they need to go to further their advanced education. I hope that we would not Recommit the Bill and that we might, indeed, consider Report B and get this thing underway so that we can have it to use. Thank you Mr. President.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I am not going to belabor this issue. It is an issue that has had a great deal of study from the financial aid community, they have studied it since 1986 and they have endorsed the concept of the Educational Authority. The Commissioner's task force studied it for eighteen months. This has been studied to death. I have to say that one of the things that bothered some of the Committee members is that this is one study that did not include Legislative involvement. I think that had some bearing on the way some people felt about these studies and how they came out. It just doesn't seem that we are rushing headlong into anything, it has not been something that someone decided on yesterday, as we often do in this Body, someone brings a Bill in one day and it is passed without a hearing and it has gone through the next day and you wonder what happened.

This Bill, what we have before us here, has had over three years of study into it. Just because the Legislators weren't involved in it, I hope that

doesn't color anybody's views about this Bill. There is opportunity for Legislative involvement through the transition period of the authority as it is implemented and I would hope that we could defeat the motion and go along with Accepting Report B. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland, that the Bill and Accompanying Papers be RECOMMITTED to the Committee on EDUCATION, in concurrence.

A vote of Yes will be in favor to RECOMMIT the Bill and Accompanying Papers to the Committee on EDUCATION.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator BALDACCI

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator CLARK of Cumberland, that the Bill and Accompanying Papers be RECOMMITTED to the Committee on EDUCATION, in concurrence, PREVAILED.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

June 20, 1989

Honorable Joy J. O'Brien

Secretary of the Senate

114th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Joint Order (S.P. 658) relative to Recalling "An Act to Recover Windfall Profits from Bottle Deposits," H.P. 787, L.D. 1099, from the Governor's Desk to the Senate.

Sincerely,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Wednesday, June 21, 1989, at 10:45 in the morning.