

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

Kilkelly, LaPointe, Lawrence, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

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

In Senate Chamber
Wednesday
June 21, 1989

Senate called to Order by the President.

ABSENT - Cashman, Dellert, Dore, Foster, Higgins, Larrivee, Marston, McPherson, Michaud, Paradis, P.; Parent, Richards, Ridley, Simpson, Whitcomb.

Yes, 41; No, 95; Absent, 15; Paired, 0; Excused, 0.

41 having voted in the affirmative, 95 in the negative, with 15 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Pineau of Jay,
Adjourned until Thursday, June 29, 1989, at nine o'clock in the morning pursuant to Joint Order (S.P. 660).

Prayer by the Honorable N. Paul Gauvreau of Androscoggin.

SENATOR GAUVREAU: Let us pray. Lord, as we arrive at this, the conclusion, of our Legislative Session, please give us the strength to make principle decisions effecting the lives of the people of Maine, the wisdom to fashion public policy, which will benefit our children and those who come after them. The patience to listen to and learn from others with whom we disagree. The compassion to provide for those less fortunate than us and the capacity to respect and appreciate the contributions of all our colleagues in this Legislature. Let us go forward in a spirit of collegiality and mutual respect to discharge our Legislative responsibilities with dignity, intellect, and fairness. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS
The Following Communication:
COMMITTEE ON UTILITIES
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 20, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Utilities has had under consideration the nomination of Elizabeth Paine of Hallowell, for appointment as a Commissioner for the Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 10
NAYS: 0
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elizabeth Paine of Hallowell, for appointment as a Commissioner for the Public Utilities Commission be confirmed.

Sincerely,
S/Stephen M. Bost Senate Chair
S/Herbert E. Clark House Chair
Which was READ.

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

After Recess
Senate called to order by the President.

Which was ORDERED PLACED ON FILE.

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. Yesterday, the Utilities Committee had the pleasure of unanimously recommending the confirmation of Elizabeth Paine for the vacant slot on the Public Utilities Commission. The Committee asked the tough questions and the nominee responded with candor, with the ability to articulate the immensely complex issues facing that regulatory body, and from the vantage point of one, who was interacted with the Commission for a number of years, an insiders perspective, if you will.

The Governor, I believe, should be commended for his choice, having ultimately elevated someone from within the ranks of the Public Utilities Commission, who has the ability to continue the strong reputation that Maine currently has as a leader in both energy and conservation policy. Liz Paine's nomination not only speaks to the qualifications that we have sought for our Public Utilities Commissioners, but also to the quality of staff currently found within that agency, some of those staff are sitting in the back of the Hall today.

As members of the Senate are aware, it hasn't been easy getting to this point, but I believe that the process has worked. The confirmation process is not a partisan one by its very nature, but one of advice and consent. One forgets that our previous Governor, the Governor of my own party, had nominees rejected by the Democratic controlled Senate. Governor McKernan has forwarded hundreds of nominations, with only one being rejected this session. Great latitude is given, it is only when the qualifications have been brought into question that we have taken a negative stance.

Since our statehood, there has been a role for advice and consent first in the Executive Council and then in the Legislature. The Governor and the people of Maine, I believe, have been well-served by this process. As many of you will remember, this is before my time in the Legislature, under the Executive Council, there was open horse trading on nominees with no significant public input. Our system allows for public discussion, public input, and, most importantly, a public vote.

The people that we are confirming, carry out public laws and policy established by this and previous Legislatures. We must have confidence that they will do that fairly, impartially, and with the best interests of Maine people. To simply rubber stamp serves no ones interest, particularly the Governor's. Liz Paine, I believe, will serve the interests of Maine people in a fair and balanced manner, in that I have every confidence. Objectivity, impartiality, and balance have been the criteria that we have used in assessing the nominees before the Utilities Committee. I am proud of the work that all of the members of my Committee have done this session and trust that our working relationship with the Public Utilities Commission will only be enhanced by the Governor's choice of Liz Paine for Commissioner. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Mr. President. Mr. President, men and women of the Senate. Yesterday morning, I had the privilege of attending the hearing confirmation of Liz Paine for the Public Utilities Commissioner and not only was I impressed with the Committee and their questions, but with the response. I Stand here extremely proud to speak

today as a member of the Hancock County Delegation on behalf of that delegation, we commend her to you on behalf of our county and say that we are very pleased to share her with the state, because we are ultimately confident that she will fulfill her task to the ultimate to both her state and the people within. So, it is with great pleasure that I speak this morning on behalf of Liz Paine and Hancock County.

THE PRESIDENT: The Joint Standing Committee on UTILITIES has recommended the nomination of Elizabeth Paine of Hallowell, for appointment as a Commissioner for the Public Utilities Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on UTILITIES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator MATTHEWS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Elizabeth Paine, for appointment as a Commissioner for the Public Utilities Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

RECALLED FROM ENGROSSING

Bill "An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife" (Emergency)
 H.P. 895 L.D. 1239
 (H "A" H-626 to C "A" H-615)

(In Senate, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 659, in concurrence.)

On motion by Senator TWITCHELL of Oxford, 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-615) as Amended by House Amendment "A" (H-626) thereto.

On further motion by same Senator, Senate Amendment "A" (S-385) to Committee Amendment "A" (H-615) READ and ADOPTED.

Committee Amendment "A" (H-615) as Amended by Senate Amendment "A" (S-385) and House Amendment "A" (H-626) 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.

Off Record Remarks

ORDERS OF THE DAY

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 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.)

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

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

Emergency

An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering

H.P. 1252 L.D. 1751

(C "A" H-613)

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

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613), in concurrence.)

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

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I am told by the people in the Finance office that this no longer has a fiscal impact and it should be removed from the table and sent on its way. Thank you.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

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

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

S.P. 379 L.D. 1015
(S "A" S-155 & H "A" H-407 to C "A" S-146)

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - Motion of same Senator to RECEDE and CONCUR

(In Senate, June 12, 1989, RECONSIDERED whereby the Senate RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto.)

(In House, June 6, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto, in NON-CONCURRENCE.)

(In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) thereto.)

Senator CLARK of Cumberland, requested and received Leave of the Senate to withdraw her motion to RECEDE and CONCUR.

On further motion by same Senator, the Senate INSISTED.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

On motion by President PRAY of Penobscot, RECESSED until 1:15 this afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1278

JOINT RESOLUTION COMMEMORATING THE 200TH

ANNIVERSARY OF THE INCORPORATION OF

THE TOWN OF CUSHING

WHEREAS, Cushing, ten miles southwest of Rockland, was visited by Captain George Weymouth in 1605 in the course of his exploration of the coast of Maine; and

WHEREAS, Scotch-Irish settlers took up tracts of land from Samuel Waldo in the 1700's and thus became Cushing's first permanent settlers; and

WHEREAS, many residents of what is now Cushing distinguished themselves in the War of Independence, and their descendants defended that independence and liberty in other national conflicts; and

WHEREAS, the Town of Cushing was incorporated on January 28, 1789, and named in honor of Thomas Cushing, Lieutenant Governor of Massachusetts; and

WHEREAS, the virtues of thrift, industry and independence, characteristic of the farmers and

seafarers of Cushing 200 years ago, are possessed by their descendants today; and

WHEREAS, the beauty of Cushing's landscape and the independence and determination of Cushing's people were represented by artist Andrew Wyeth in "Christina's World," a painting recognized throughout the world; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this special opportunity during the bicentennial anniversary year of the Town of Cushing to commend the officials and citizens of this great town for the success which they have achieved together for two centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1281
JOINT RESOLUTION RECOGNIZING RAILWAY MAIL SERVICE DAY, AUGUST 28, 1989

WHEREAS, the Railway Mail Service was a branch of the Post Office Department by which mail was transported and distributed en route via rail, highway and water carriers, at air mail fields, and in city terminals; and

WHEREAS, the first route between Chicago, Illinois and Clinton, Iowa was established on August 28, 1864, by George B. Armstrong, Assistant Postmaster of Chicago; and

WHEREAS, at the high point of the Railway Mail Service immediately following World War II, it employed more than 30,000 postal transportation clerks handling over 90% of all nonlocal mail, working aboard Railway Post Offices and Highway Post Offices on more than 1,500 routes; and

WHEREAS, these postal clerks known informally as the "Marine Corps" of the Post Office performed the vital job of sorting mail in transit at terminals and at transfer offices; and

WHEREAS, the history of the Railway Mail Service is highlighted by these clerks' superior intellect and memory, steadfast attention to duty, sterling honesty and legendary stamina; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session recognize the veterans of the Railway Mail Service on the occasion of Railway Mail Service Day; and be it further

RESOLVED: That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be sent to the Railway Mail Service Library in Alexandria, Virginia and to the Arundel Trolley Museum in Arundel, Maine.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1280

JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE INCORPORATION OF MONHEGAN PLANTATION

WHEREAS, Monhegan Island, 9 miles southeast from Pemaquid Point Light and 16 miles from Boothbay Harbor, has provided a safe harbor to centuries of explorers and travelers; and

WHEREAS, George Weymouth and Samuel Champlain visited Monhegan Island in 1605 and 1606, respectively, en route to exploring the wilderness of the New World; and

WHEREAS, members of the Popham Colony landed on Monhegan Island following their arduous voyage from the Old World and held a Thanksgiving service to celebrate their safe arrival in 1607; and

WHEREAS, Captain John Smith inhabited Monhegan Island during the summer of 1614, establishing the island as a fishing station, trading post and navigational landmark in the New World; and

WHEREAS, Monhegan Plantation, located on Monhegan Island, was incorporated 150 years ago on September 4, 1839, and held its first plantation meeting on April 25, 1840; and

WHEREAS, the abundance of fish near Monhegan Island has provided the sustenance and livelihood of fishermen for centuries and Monhegan Island has served as an important fishing center since the 19th Century; and

WHEREAS, Monhegan Island continues to attract and sustain anglers with its bountiful fish, captivate multitudes of visitors with its unparalleled natural beauty and inspire artists with the timeless allure of sea and cliff; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature now assembled in the First Regular Session, take this occasion to recognize the 150th anniversary of Monhegan Plantation and to offer its good citizens the best wishes and support of the Maine Legislature and the people of Maine as those citizens look to the future; and be it further

RESOLVED: That suitable copies of this resolution, authenticated by the Secretary of State, be transmitted to the plantation officials to commemorate the 150th anniversary of this historic community.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

ENACTORS

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

An Act to Improve Public Access to and Participation in Decisions Made by Quasi-Municipal Corporations

H.P. 595 L.D. 813
(H "A" H-645 to C "A" H-543)

An Act to Clarify the Farmland Adjacency Law

H.P. 697 L.D. 949
(C "A" H-549)

An Act to Amend Campaign Finance Reporting

S.P. 587 L.D. 1649
(C "A" S-349)

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

Senate at Ease

Senate called to order by the President.

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 Reduce Hardship for Injured Workers
S.P. 346 L.D. 916
(C "A" S-343)

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:

Resolve

Resolve. Regarding the Release of Certain Ballots to the Municipal Officers of the Town of Jay
H.P. 1237 L.D. 1728
(C "A" H-646)

Resolve. Concerning the Dam on Mattawamkeag Lake
H.P. 1247 L.D. 1740
(C "A" H-647)

Which were FINALLY PASSED and having been signed by the President, were 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:

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)

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

An Act to Increase County Share of Real Estate Transfer Tax

H.P. 602 L.D. 826
(C "A" H-660)

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

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation

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

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 to Correct Errors and Inconsistencies in the Laws Relating to Boards and Commissions
S.P. 630 L.D. 1724
(C "A" S-333)

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

Emergency

An Act to Amend the Norridgewock Water District Charter

S.P. 655 L.D. 1762
(H "B" H-625)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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 to Revise the Salaries of Certain County Officers

H.P. 1277 L.D. 1771

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.

Emergency

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990 and June 30, 1991, and to Make Other Changes in the Law Necessary for the Proper Operation of State Government

H.P. 123 L.D. 160
(H "B" H-606 to C "A" H-577)

On motion by Senator TWITCHELL of Oxford, placed on the SPECIAL HIGHWAY 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:

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)

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 Relating to Sales Tax Exemptions and Revenues

H.P. 975 L.D. 1353
(S "A" S-336 to C "A"
H-446)

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

Emergency Resolve

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

H.P. 1262 L.D. 1758
(H "B" H-642)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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:

ENACTORS

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

Emergency

An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste

H.P. 1272 L.D. 1768
(C "A" H-665)

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

Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$12,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities, Vocational-Technical Institutes and State Facilities

S.P. 494 L.D. 1368
(H "A" H-662 to C "A"
S-348)

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 to Amend Certain Motor Vehicle Laws
S.P. 511 L.D. 1399
(C "A" S-335)

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

Emergency

An Act Establishing the Affordable Housing Partnership Act of 1989

H.P. 1269 L.D. 1765

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 Clarifying Intoxication Under the Workers' Compensation Law

S.P. 118 L.D. 184
(H "B" H-664 to C "A"
S-182)

Which 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.

An Act to Establish the Bureau of Juvenile Corrections

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

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

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

H.P. 438 L.D. 603
(C "B" H-633)

Senate at Ease

Senate called to order by the President.

On motion by Senator ANDREWS of Cumberland, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "B" (H-633).

On further motion by same Senator, Senate Amendment "B" (S-347) to Committee Amendment "B" (H-633) READ.

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 would like to pose a question through the Chair to the good gentleman from Cumberland. Senator Andrews. I was hoping that he would take a moment to explain that Amendment, seeing as I can't find it in my book.

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

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment, in fact this piece of legislation, has to do with the sales tax policy with regard to equipment used in interstate commerce. We have had, for approximately forty years, a sales tax exemption for equipment that is used in interstate commerce, it reflects priority of the state to help move state goods and services in and out of Maine. Six years ago, we heard from many people complaining that if we have a sales tax exemption, could we not give that same exemption to leased equipment used in interstate commerce. What we have done in the past few days, as a legislative Body, is we have provided a sales tax exemption on leased equipment, trucks. The original Bill we had before us in the Committee Report provided that exemption to trucks. Yesterday, we included an Amendment that would have extended the very same treatment to not only trucks, but to airplanes as well. What we are doing with this particular Amendment is to refine our treatment of airplanes to include those companies who are owned and based in the State of Maine. By ownership, that would mean that fifty percent or better of their stock is owned by Maine people. So, this treatment that we would be providing to trucks, that is extending the exemption on leased trucks, would extend to leased aircraft, if that company was a Maine company. That is what the Amendment does.

On further motion by same Senator, Senate Amendment "B" (S-347) to Committee Amendment "B" (H-633) ADOPTED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "C" (S-352) 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 is a technical Amendment to the Bill, because it retains the law that was the law before they changed it because of a drafting error and leaves it being exempt from sales tax. It is a technical Committee Amendment and has the support of the Senators on the Committee.

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. As I kind of glance at these Amendments, when they were just mentioned, if it is a technical Amendment that the good Senator from Penobscot, refers to, I am looking at S-347, which was introduced earlier and it has a fiscal note of two hundred and fifty thousand dollars per year loss of general fund revenue. As I look at the Amendment S-352, the fiscal note on that is a loss of revenue of two million, four hundred and seventy-seven thousand, seven hundred and forty-five dollars, I would say that is fairly technical. I would like a little bit of an explanation please.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion of Senator BALDACCI of Penobscot, to ADOPT Senate

Amendment "C" (S-352) to Committee Amendment "B" (H-633).

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

H.P. 1279 L.D. 1772

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:

ENACTORS

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

Emergency Resolve

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

H.P. 1276 L.D. 1770

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:

PAPERS FROM THE HOUSE

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

(H "A" H-648 to C "A" H-617)

In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-648) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617) AS AMENDED BY HOUSE AMENDMENT "B" (H-671) thereto, in NON-CONCURRENCE.

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

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the Tabled and Later Today Assigned matter the following:

LEGISLATIVE RECORD - SENATE, JUNE 21, 1989

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
(H "A" H-648 to C "A"
H-617)

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

Pending - FURTHER CONSIDERATION

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-648) thereto, in concurrence.)

(In House, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617) AS AMENDED BY HOUSE AMENDMENT "B" (H-671) thereto, in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate on the Record.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. Today I have the task which is both difficult and happy in sharing with the Senate the retirement of one of our dear friends, Helen Wing, who has been our stenographer now for ten years in the Minority Office. Helen started her public service not at the state level, but at the federal level and has worked her entire life serving government, either at the state or federal level. As you all know, Helen was a dutiful servant of the good United States Senator Margaret Chase Smith before coming to Maine and working as she has for the past ten years, five Legislative Sessions, for us here in Maine.

I am happy and I am sad today, because I am happy whenever anyone reaches the juncture in their life that they can retire, it is a happy event, but we are sad to lose Helen, she is always cheerful, she always has good things to say about everyone. I would ask all the Senators and staff to join me and wishing Helen a successful, happy retirement and I wish that they would join as when we recess in the Minority office, Senators and staff, for light refreshments. Thank you.

Off Record Remarks

ORDERS OF THE DAY

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

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

H.P. 438 L.D. 603
(C "B" H-633)

Tabled - June 21, 1989, by Senator DUTREMBLE of York.

Pending - Motion of Senator BALDACCI of Penobscot. to ADOPT SENATE AMENDMENT "C" (S-352) TO COMMITTEE AMENDMENT "B" (H-633)

(In House, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633).)

(In Senate, June 21, 1989, Senate Amendment "B" (S-347) to Committee Amendment "B" (H-633) READ and ADOPTED. Senate Amendment "C" (S-352) to Committee Amendment "B" (H-633) READ.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "C" (S-352) to Committee Amendment "B" (H-633) ADOPTED.

Committee Amendment "B" (H-633) as Amended by Senate Amendments "B" (S-347) and "C" (S-352) 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.

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 21, 1989

Honorable Joy J. O'Brien

Secretary of the Senate

114th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 533, Legislative Document 718, AN ACT to Regain Full Use of Maine's Waters Through the Establishment of Color Standards, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

97 voted in favor and 54 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

On motion by Senator GAUVREAU of Androscoggin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

On motion by Senator BERUBE of Androscoggin, RECESSED until 7:30 this evening.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act Concerning Technical Changes to the Tax Law

S.P. 124 L.D. 209

(C "A" S-383)

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 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 Health Insurance
H.P. 560 L.D. 758
(C "A" H-643)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

(See Action Later Today)

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

COMMITTEE REPORTS

House

Divided Report

Nine Members on the Committee on TAXATION on Bill "An Act to Encourage Industry to Maintain and Modernize Machinery and Equipment"

H.P. 461 L.D. 626

Reported in Report A that the same Ought to Pass as Amended by Committee Amendment "A" (H-677).

Signed:

Senators:

BALDACCI of Penobscot

EMERSON of Penobscot

Representatives:

DUFFY of Bangor

DIPIETRO of South Portland

SWAZEY of Bucksport

TARDY of Palmyra

CASHMAN of Old Town

SEAVEY of Kennebunkport

NADEAU of Saco

Two Members of the Same Committee on the same subject reported in Report B that the same Ought to Pass as Amended by Committee Amendment "B" (H-678).

Signed:

Representatives:

JACKSON of Harrison

WHITCOMB of Waldo

One Member of the Same Committee on the same subject reported in Report C that the same Ought to Pass as Amended by Committee Amendment "C" (H-679).

Signed:

Representative:

DORE of Auburn

One Member of the Same Committee on the same subject reported in Report D that the same Ought Not to Pass.

Signed:

Senator:

ANDREWS of Cumberland

Comes from the House with Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677), READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677).

Which Reports were READ.

Senator BALDACCI of Penobscot, moved to ACCEPT REPORT A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677), in concurrence.

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. I rise today

to explain this rather interesting Report out of the Taxation Committee and to explain why I am in the position that I am and try to clarify some points about this particular issue, although I am sure we will hear more about this issue before we vote. The Committee on Taxation dealt with this issue very seriously and very thoroughly. It addresses the manufacturing sector of our economy.

The Bill provides an income tax credit on the investment of machinery and equipment in manufacturing. There were very compelling reasons why such a proposal should be given very serious consideration. That very serious consideration was given. One of the reasons was that the federal government, as part of its change in 1986 of its tax law, eliminated this tax credit and, therefore, took away resources from our manufacturing industries.

Secondly, the manufacturing sector in this state, of course, suffers from disadvantage facing the high property taxes, particularly personal property taxes, that they do. They suffer a disadvantage to states that don't have the property tax problems for those manufacturers that Maine does. We also recognized the importance of the manufacturing sector.

I think that if you look at the economic growth that we have seen in the state and you see the number of jobs that are being created, that is a very positive thing. We like to see the declining rates of unemployment and increasing rates of employment. But, when you looked at the quality of those jobs that were increasing, you saw that those jobs were not providing the kind of income and opportunity for advancement that traditional manufacturing jobs provide. The kind of jobs that give our citizens a chance to raise a family and grow in a community and a sector of our economy that allows the service sector to prosper. If you have a strong manufacturing base in a community, that manufacturing base will create jobs in the service sector as that service sector services that manufacturing industry. So, we heard some very compelling arguments on why such a tax credit was advisable and a very positive thing for the economy.

Throughout the deliberation, I was supportive of much of these discussions and certainly many of the conclusions that were reached. But, when you complete a package and you get the Bill as far as you can, and you put it in a condition that is as strong as it can be, when it comes time to finally pass your vote, you have to take a look at the whole package and you have to take a look at yourself and you have to make the decision, can I affix my name, can I put my vote to this particular Bill? As good an idea in terms of the value of this sector of the economy, and as improved as this particular Bill is over the original proposal, and as important as manufacturing is overall, the price tag to me was just too large.

I concluded that while we have set aside five million dollars, and we did that last year as part of our discussions over the windfall problem, there was five million dollars that we set aside from the corporate side and we said that this year we would sit down and decide how we would invest it in the corporate side. The five million dollars that is part of this biennium is the five million dollars that was set aside this year. That is another plus, by the way, to this Bill. We don't just give away five million dollars, we put that five million dollars out that we will extend that revenue to the corporate sector if the corporate sector will in turn invest. It is not simply wake up tomorrow and you find your check from the State of Maine in the mail, you have to do something for it.

When I looked to the out years, when I looked beyond this biennium, and I looked at the cost for this program that would rise to sixteen million dollars per year, or thirty-two million dollars per biennium, according to the Fiscal office, it was my view that as good as this idea is, and as important as this sector of our economy is, I simply could not affix my name to the Ought to Pass Report. So, I signed off in the way that I did.

I want to underscore for all of you that this proposal was thoroughly studied and worked over by the Committee. There are important pluses to this proposal in terms of incentives for investment, as opposed to straight giveaways, and this is a very important sector of our economy, but in the last analysis, when it came time for me to cast my vote, I decided that the cost with respect to declining revenues in our revenue picture, was just too much for me to support. Thank you.

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

Senator BALDACCIO: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the remarks of the good Senator from Cumberland, and I think he highlighted some of the good features of this particular legislation. I would just like to point out to the members that a very lucrative federal investment tax credit, which was much more lucrative than this proposal, was only utilized to about eighty percent. This proposal's fiscal note is based on one hundred percent utilization and it is not as lucrative as the federal investment tax credit that was proposed. It is a reasonable proposal, it establishes a sound manufacturing base and I believe that if you have a strong manufacturing industrial base that you will have a strong retail and service sector. One grows upon the others. We only have the limited amount of revenues and I believed it was best to put it into this particular area. Thank you.

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

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge you to support this issue. The other day in the newspaper, an article which says, "Maine Takes A Beating In The Manufacturing Poll". Maine manufacturing climate received a discouraging ranking in the tenth annual manufacturing climate study of which twenty-nine states with high manufacturing intensities, Maine ranked twenty-fifth. Of all the New England States, were among the twenty-nine states with a high manufacturing intensities, with the twenty-fifth ranking, Maine received the lowest mark for the six states. New Hampshire was ranked third, Vermont seventh, Massachusetts twelfth, Rhode Island fifteenth, and Connecticut twentieth. I certainly think that we need to do whatever we can to help make our manufacturers in this state more competitive. I certainly hope that you will vote in favor of this.

On motion by Senator BALDACCIO of Penobscot, Report A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677) WAS ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-677) 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 Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015
(S "A" S-155 to C "A"
S-146)

In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) thereto.

In House, June 6, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto, in NON-CONCURRENCE.

In Senate, June 21, 1989, INSISTED TO PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY HOUSE AMENDMENT "A" (H-407) thereto, in NON-CONCURRENCE.

Senator CLARK of Cumberland, moved to RECEDE and CONCUR.

Senator CAHILL of Sagadahoc requested a Division.

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. The reason I requested a Division on the motion to Recede and Concur, is because of an objectional Amendment H-407 on this legislation. Currently, of the thirty other Bureau of Director positions in state government, none have in the statute hiring requirements.

I don't think it is fair at this point in time that we put this Bureau under that category, which no others do. The Commissioner, I believe, should have the latitude to choose the person most competent and I don't believe the Legislature, once again, should get into the arena of hiring requirements. The Legislature, I feel, to do that is encroaching on the Executive authority.

The requirement in this Bill that a physician be chosen, both a M.D. and have training in the public health, is not affordable. This Bill needs a fiscal note of at least twenty-five thousand dollars in order to meet the financial requirements of the legislation. The Department had seven out of nine finalists, the last time they recruited for this position, drop out of the running because of the salary. I guess this is one of the frustrations I have with state government and that is that it is so difficult to, first of all, recruit, but then to keep qualified personnel with the salary restrictions that we sometimes put on that.

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. We took great care in discussing and working out this Bill in the State and Local Government Committee and we came up with a revised Bill that says the person selected for Director of Public Health should be a physician or anyone having an advanced degree, that could be a Master's Degree, in Public Health Administration. Also, have either experience or education training in that field. We felt that it would be easier to find someone, first. Secondly, there are many qualified people who would be able to apply for such a position, without having the need of a medical degree.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland, to RECEDE and CONCUR.

A Division has been requested.

LEGISLATIVE RECORD - SENATE, JUNE 21, 1989

Will all those Senators in favor of the motion by 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.

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator CLARK of Cumberland, to RECEDE and CONCUR, PREVAILED.

Senate at Ease
Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED:

Emergency
An Act Relating to Health Insurance
H.P. 560 L.D. 758
(C "A" H-643)

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED, as Amended, in concurrence.)

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

On further motion by same Senator, 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 Implement Sound Forest Practices
H.P. 315 L.D. 429
(S "B" S-379 to C "B" H-635)

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

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
(S "B" S-380 to C "A" H-586)

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:

COMMUNICATIONS

The Following Communication:
COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 20, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	37
Unanimous reports	33
Leave to Withdraw	14
Ought to Pass	2

Ought Not to Pass	0
Ought to Pass as Amended	17
Ought to Pass in New Draft	0
Divided reports	2
Carry overs	2

Respectfully submitted,
S/Bonnie L. Titcomb S/Daniel B. Hickey
Senate Chair House Chair
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 21, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Agriculture during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	51
Unanimous reports	48
Leave to Withdraw	9
Ought to Pass	7
Ought Not to Pass	9
Ought to Pass as Amended	23
Ought to Pass in New Draft	0
Divided reports	1
Carry Overs	2

Respectfully submitted,
S/R. Donald Twitchell S/Robert J. Tardy
Senate Chair House Chair
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 16, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit & Program Review during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

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

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

The Following Communication:
COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 16, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature
Dear President Pray:

LEGISLATIVE RECORD - SENATE, JUNE 21, 1989

We are pleased to report that all business which was placed before the Committee on Business Legislation during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	85
Unanimous reports	80
Leave to Withdraw	30
Ought to Pass	6
Ought Not to Pass	3
Ought to Pass as Amended	39
Ought to Pass in New Draft	0
Rereferrals	2
Divided reports	3
Carry Overs	2

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

The Following Communication:
 JOINT SELECT COMMITTEE ON CORRECTIONS
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 15, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before Joint Select the Committee on Corrections during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	20
Unanimous reports	17
Leave to Withdraw	5
Ought to Pass	4
Ought Not to Pass	1
Ought to Pass as Amended	7
Ought to Pass in New Draft	0
Divided reports	2
Carry Over	1

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

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 21, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	146
Unanimous reports	141
Leave to Withdraw	8
Ought to Pass	5
Ought Not to Pass	59
Ought to Pass as Amended	68
Ought to Pass in New Draft	0
Rereferred	1
Divided reports	2
Carry Overs	3

Respectfully submitted,
 S/Judy C. Kany S/Michael H. Michaud

Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON FISHERIES AND WILDLIFE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 20, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	59
Unanimous reports	56
Leave to Withdraw	6
Ought to Pass	3
Ought Not to Pass	33
Ought to Pass as Amended	14
Ought to Pass in New Draft	0
Divided reports	3

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

The Following Communication:
 COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 20, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Housing and Economic Development during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	31
Unanimous reports	29
Leave to Withdraw	15
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	7
Ought to Pass in New Draft	0
Rereferrals	3
Divided reports	0
Carry Overs	2

Respectfully submitted,
 S/Dennis L. Dutremble S/Gregory G. Nadeau
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON JUDICIARY
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 21, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Judiciary during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	158
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LEGISLATIVE RECORD - SENATE, JUNE 21, 1989

Unanimous reports	134
Leave to Withdraw	43
Ought to Pass	21
Ought Not to Pass	4
Ought to Pass as Amended	66
Ought to Pass in New Draft	0
Divided reports	4
Carry Overs	20

Respectfully submitted,
 S/Barry J. Hobbins S/Patrick E. Paradis
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON LABOR
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 21, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	72
Unanimous reports	52
Leave to Withdraw	19
Ought to Pass	1
Ought Not to Pass	7
Ought to Pass as Amended	18
Ought to Pass in New Draft	2
Rereferrals	3
Pursuant to Rule #22	2
Divided reports	17
Carry Overs	3

Respectfully submitted,
 S/Sen. Esty. Jr. S/Rep. Edward McHenry
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON LEGAL AFFAIRS
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 16, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	111
Unanimous reports	108
Leave to Withdraw	34
Ought to Pass	07
Ought Not to Pass	24
Ought to Pass as Amended	43
Ought to Pass in New Draft	00
Divided reports	02
Carry over	01

Respectfully submitted,
 S/Senator Zachary E. Matthews S/Rep. Charles R. Priest
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON MARINE RESOURCES

ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 20, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	29
Unanimous reports	27
Leave to Withdraw	3
Ought to Pass	2
Ought Not to Pass	2
Ought to Pass as Amended	19
Ought to Pass in New Draft	1
Divided reports	2

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

The Following Communication:
 COMMITTEE ON TRANSPORTATION
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 20, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Transportation during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	100
Unanimous reports	97
Leave to Withdraw	33
Ought to Pass	9
Ought Not to Pass	20
Ought to Pass as Amended	35
Ought to Pass in New Draft	0
Divided reports	2
Carry Over	1

Respectfully submitted,
 S/R. Donald Twitchell S/Fred W. Moholland
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON UTILITIES
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 16, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Utilities during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	45
Unanimous reports	44
Leave to Withdraw	9
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	26
Ought to Pass in New Draft	0
Rereferred	2

LEGISLATIVE RECORD - SENATE, JUNE 21, 1989

Carryovers 3
Divided reports 1
Respectfully submitted,
S/Stephen Bost S/Herbert Clark
Senate Chair House Chair
Which was READ and ORDERED PLACED ON FILE.

(S "B" S-347; S "C"
S-352 to C "B"
H-633)

In House, June 21, 1989, PASSED TO BE ENACTED.
In Senate, June 21, 1989, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633) AS
AMENDED BY SENATE AMENDMENTS "B" (S-347) AND "C"
(S-352) thereto, in NON-CONCURRENCE.
Comes from the House, that Body ADHERED.
The Senate ADHERED.
(See Action Later Today)

Senate at Ease
Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

An Act to Implement Sound Forest Practices
H.P. 315 L.D. 429
(S "B" S-379 to C "B"
H-635)

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

Pending - ENACTMENT

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED
AS AMENDED, in concurrence.)

(In House, June 21, 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 BRANNIGAN of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

June 21, 1989

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

Dear Madam Secretary:

The Speaker appointed the following conferees to
the Committee of Conference on the disagreeing action
of the two branches of the Legislature on Bill "An
Act to Establish Occupational Health and Safety
Standards for Operators of Video Display Terminals"
(H.P. 481) (L.D. 661):

Representative CARROLL of Gray
Representative RUHLIN of Brewer
Representative MURPHY of Berwick

Sincerely,

Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

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 ENERGY AND NATURAL RESOURCES on
Bill "An Act to Establish Color Standards for Maine
Waters"

H.P. 1229 L.D. 1713

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 Amend the Maine Income Tax Laws"

H.P. 124 L.D. 161

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-674).

Signed:

Senators:

ANDREWS of Cumberland

BALDACCI of Penobscot

Representatives:

CASHMAN of Old Town

DUFFY of Bangor

TARDY of Palmyra

SWAZEY of Bucksport

NADEAU of Saco

DIPIETRO of South Portland

DORE of Auburn

The Minority of the same Committee on the same
subject reports that the same Ought to Pass as
Amended by Committee Amendment "B" (H-675).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

SEAVEY of Kennebunkport

JACKSON of Harrison

WHITCOMB of Waldo

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-674).

Which Reports were READ.

On motion by Senator ANDREWS of Cumberland, the
Majority OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-674) Report was ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-674) READ.

On motion by Senator ANDREWS of Cumberland,
Senate Amendment "A" (S-394) to Committee Amendment
"A" (H-674) READ.

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 am sure this is a meaningless Amendment. but at this late stage, I would appreciate it if the good Senator would explain this Amendment to the Body. Thank you.

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. This is a relatively minor adjustment. There was a technical error in the drafting and this makes certain that the intention of the Committee, in terms of the personal exemption section under the law, reflects what the Committee's intent was.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "A" (S-394) to Committee Amendment "A" (H-674) ADOPTED.

On motion by Senator EMERSON of Penobscot, Senate Amendment "B" (S-396) to Committee Amendment "A" (H-674) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. I offered Senate Amendment "B" because I believe that the Committee Report, the Majority Report, does not do what I would like to have done. I think that Senate Amendment "B" is a better Amendment to Adopt.

The Majority Report, causes about one hundred and thousand people to pay more tax than they paid last year. Those people are low income people and I don't believe that we intended to do that. Senate Amendment "B" would provide that there would be nobody that paid more tax than they currently pay. Those people who did pay more last year, would receive a credit to return the windfall to them. This is what I thought that we had been talking about. to return the windfall to the people who paid it and Senate Amendment "B" would do that. I hope you would Adopt this Amendment.

Senator ANDREWS of Cumberland, moved to INDEFINITELY POSTPONE Senate Amendment "B" (S-396) to Committee Amendment "A" (H-674).

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. Basically what we have before us is the two opposing views of how we should be dealing with our income tax structure and how we should be acting with respect to the problems that have been created in our income tax structure this past year, and certainly this year as well. We, as a Committee, was greeted this year, as everyone in this Chamber was greeted this year, by the effects of the tax structure as presently in place in the 1988 tax year. As we got closer to April 15, the calls became more in number and the letters became more in number and the anger and frustration among those of our constituents who were paying taxes increased as each week went by. We, as a Committee, made a commitment that we would do two things. We would work to fix the system, we would work to restore credibility to our income tax. By looking at the tax structure that was causing such anger and frustration among the public. Secondly, we said that if, in fact, the State of Maine has over-collected taxes by virtue of a windfall created by the 1986 federal tax act, we would make certain that the taxpayers who were victims of that over-collection would be compensated.

We heard from the people who had presented the analysis, the figures and numbers, that provided the basis for the current system that, in fact, there were some people who were paying additional taxes,

they estimated them around sixty thousand and a cost of about two and a half million dollars. Some of us, as we heard those calls, and we read those letters, we felt that there was something wrong that went beyond what we were hearing from those who are responsible for this system.

So we went, as Committee Chairs, to the Legislative Council, and we asked them to authorize us to put out a R.F.P. and contract with an accounting firm that can do thorough analysis of our system and make some recommendations on how we could deal with the problem that we were facing. We went through that process, it received bipartisan support, we contracted with a Washington based firm, they are certainly in our estimation, one of the very top firms of this kind in the United States.

They have extensive experience with states all around the country, extensive data base on which to run their projections. We gave them that basic charge, we wanted to make certain that we were not over-collecting now and in the future, we wanted to assess how much we were, and we wanted their recommendations on how we would fix the system.

Well, we learned, as we all know, and I won't go into the details because we certainly learned quite a bit from that study and we learned that not only were we over-collecting, but the degree to which we were over-collecting and the degree to which the structure of our current tax system was off base, was extraordinary, several times larger and more pervasive than we were told by anyone in this government responsible for that tax system. To the tune of over two hundred thousand people were paying too much and a windfall of several times the figure that we were given originally.

The proposal that we have before us, and the Majority Report of this Committee, and the Report that we will Enact, I hope, tonight, and we will be well on our way if we can support the current motion of Indefinite Postponement, does those two basic things that we sought to do at the outset. Number one, it restores credibility to our system, by restructuring the tax system away from the current system of credits that are confusing to just about everybody that I have to talk to, and restore the system to the foundation that it had beginning in 1969, when our income tax was created in this state and a system that has enjoyed support, stability, and credibility for every year thereafter. We thought that was a foundation that was worth going back to. So, our proposal returns the standard deduction, it returns the personal exemption, based upon the federal governments standard deduction and personal exemption, as we have done year, after year, after year. We adjust the rates and we adjust the brackets to return that windfall favorably to those people who were most adversely affected by the system that we have now and we return every penny of the windfall. Those two objectives are achieved in that way, ladies and gentlemen of the Senate.

The reason that I have moved Indefinite Postponement of Senate Amendment "B" is that with respect to those two objectives; returning the windfall and restoring credibility, it fails on both counts. Number one, according to an analysis that we received very recently and we, as Committee members, learned of the report that was being developed by the minority, we did some analysis, we ran some figures through the consultant, and we learned that the proposal before you will not return all of the windfall money. It falls short somewhere between twenty and thirty million dollars, but it fails to meet that basic objective; to return the windfall. Secondly, it doesn't fix the system. It simply takes

a new system of credits, different numbers, and just replaces them for the numbers that exist in the current structure. If you follow that Bill out, you will learn that with every tax year that goes by, those numbers change again. One year comes in, a new set of numbers. another year comes in, a new set of numbers, and on, and on. So, talk about confusing. You start off with a system that is very confusing and has no credibility to it, as a matter of fact, we learned from the Association of Certified Public Accountants, they sat in on our deliberations, they offered us their counsel and the President of that group said, without any hesitation, that this system is creating a morass for average citizens who are trying to pay their taxes, as well as accountants who are trying to do it for them. They said for the accountants they were finding they were very confusing. You can imagine what it must be like for someone who isn't trained to try to deal with that morass. So, the system, under the proposed Amendment, is not changed at all, just the numbers that are put into the system and they change, if you look at the Amendment, they change year, after year, after year. So, you take a system that is not working and you don't fix it, you make it worse and finally you don't even meet the objective of returning the windfall. I hope you will join me in supporting the motion to Indefinitely Postpone this Amendment.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President. Mr. President, men and women of the Senate. This issue we are debating is obviously a very complicated one. In fact, it is so complicated that this Legislature and our Taxation Committee saw it necessary to hire one of the nations most prestigious consultant firms to help us understand the problems we had with our tax code and then make some recommendations to help fix it. As a member of this Body, when I am faced with deciding and voting on a matter that is so complex, what I try to do is un-complicate the issue by asking some very basic questions. Frequently, by getting down to basics, by asking simple questions, you can sometimes get an understanding of how you should vote on a matter where you have limited personal experience or expertise.

One of the first simple questions I ask myself is how am I going to explain this to the people who sent me here? This is a question that all of us in this Body should be asking ourselves when it comes time to vote on pocketbook issues such as taxes. It is this question I hope all of you are asking yourselves today. When I ask this question of myself, I have to tell you that I can't come up with a good answer. I can't honestly explain how, after many months of discussion, after nearly one hundred thousand dollars in consultant fees, and after two years of complaints from Maine's already over-burdened taxpayers, we have somehow come up with a plan that would increase state taxes for about one hundred and nine thousand Maine taxpayers next year, when compared to what they paid this year. I don't think the people who call me at home, or see me around town, will understand that answer. What is even more unexplainable is the Majority proposal of why and how can we be increasing taxes on low income people? Where I come from there are a lot of people that are just making a living.

In fact, I think, the figures show that Waldo County is the poorest county in the state and all of the sixty-four counties and all of New England states by a per capita income. So, the people who call me at home to complain aren't going to be doctors from Falmouth, or lawyers from Cape Elizabeth. The people

I will hear from are working people, they work on the water, their farmers, their laborers, they work in machine shops, and they are retired folks living on a fixed income.

I have to think that most of you in this Body, those too are your constituents and a lot of them have families and are doing the best they can to scrimp and save to get by. But, for some unknown reason, the Majority proposal will increase their taxes. Some average families who earn around sixteen thousand, five hundred dollars will actually have their taxes go up next year. To me that is unacceptable. I have to vote with the Minority proposal, because I cannot vote for a tax increase on working people, on families who, in some cases, make less than six thousand dollars. So, when I get these calls at home next year from working folks, whose taxes went up should the Majority Report be Enacted, I will have to tell them that I opposed the Democratic plan, which increased their taxes. I will tell them that this is one Republican who opposed higher taxes for hard-working folks. So, I urge you to support the Minority Report and defeat the motion to Indefinitely Postpone Senate Amendment "B".

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

Senator BALDACCIO: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the comments of the good Senator from Waldo, Senator Gould, he has certainly enlightened us on this matter and I do appreciate his comments. The fact of the matter is, and what shouldn't be forgotten, is that the last two years, the people between twenty and one hundred thousand dollars have gotten not one black eye, but two black eyes. It is those people who we have been hearing from in that particular area of our income tax schedule that the consultants report says has been over charged, we have been over-collecting from of those people and it is that amount of money, almost fifty-two million dollars in the Majority Report, which works back to those people within those categories, money that they have been overpaying. The couple that are both teaching that have to borrow money to pay their state income taxes. Those are the people who we are talking about today. We are adjusting our income tax schedule to take into account those people. That is fifty-two million dollars that has been determined by the consultants to be over-collected.

The Minority Report of the Committee only returns forty-six million dollars to people. The consultants report pointed out that 51.9 million dollars has been over-collected. On that alone, because we don't want to deal with that issue anymore and hopefully we can take the present system and toss it right out the window and go back to the two or three thousand dollar personal exemption and standard deductions that mirror the federal government. Go back to normal so that we can get on with the business of the state, clean it up once and for all. That is the Majority Report.

Unless you want to explain to people why we are having forty-five dollar tax credits, eighty-five dollar tax credits, if you want to explain to people what you are doing, that is fine, but as far as I am concerned I would just like to get on with it and get onto other issues. Thank you Mr. President.

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

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. We have heard about the irate taxpayers that have been calling all of us. I believe that when some of the lower income tax people have a higher tax bill this

year than last year and we have been telling them that we are going to return to them, fifty-two million dollars, I think they are going to wonder some. They may make a few phone calls too. These people are the lower income people. Another thing, I just heard that the Minority Report would return only forty-six million dollars. Somehow or another, my addition must be wrong, because as I understand it, in 1989, it would return twenty-eight million, and in 1990 it would return eighteen million, and in 1991 it would return fourteen million, so that adds up to more than forty-six million dollars.

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. I certainly do appreciate the concern among some in this Chamber for the progressiveness of our Maine income tax. That concern is very good and I agree with that. Anytime that we can take steps to make our system more progressive, or based on the ability to pay, I think that is a very positive step.

Ladies and gentlemen of the Senate, it is important when you deal with something complicated, like tax law, and you add to that complication this incredible mess that we are faced with right now, this incredible tax system, that you separate the forest from the trees and you compare apples with apples and oranges with oranges and you don't become confused with the demagoguery that often will rear its head in the debate on tax policy. A case in point are the figures that we have heard tonight relating to lower income people. The comparisons that are being made on this proposed system, the Majority Report, is based upon a comparison of that with the system that we have right now. When the system that we have right now went into effect, the impact on income groups all down the line, was all over the place. There were losers in the low income brackets, there were big winners in the upper income brackets. When this issue was debated, there was concern by some, but that concern was subordinated to the desire to fix our tax system and make it work and make it fair. But, those incongruities, those people who fell through the cracks in the lower income brackets, were unfortunate, but they were instituted in the system that we have right now. Now, we are trying to fix that system and we are trying to make it structurally fair across the board and now some of the people in the lower income groups, who might not receive as strong a benefit as others in relationship to where we were two years ago when our system was working, are being pulled out and identified as the reasons why we should defeat the Majority Report.

Let's compare apples with apples for just a moment. If you take the lowest income group, those making under five thousand dollars, and you compare that with the proposal from the Majority Report to what those people paid in 1986, before we made the change that has us in the mess we are in right now, you would find that under our proposal those people will have a thirty-three percent reduction in their tax.

For those making between five and ten thousand dollars, that reduction is twenty-four percent. For those making between ten and fifteen, a 24.6 reduction. Those are lower income categories and that is what the net effect will be in restoring a system that works relative to the system that we had before, the mess that we are in now.

With respect to those individuals who have been pulled out in the debate today, I want to read you a letter that came from the consultant firm regarding that issue. "It is important to recognize that many

of the individuals who would pay higher taxes in the lower brackets would be dependents, namely students, claimed on other tax forms and not taxpayers we would normally consider to be low income." When you consider the dollar amounts that we are dealing with, with these students, it is a few dollars, ladies and gentlemen of the Senate. You can play with numbers in many ways, particularly when you are dealing with something like taxes. What is happening is if you have a child in college you can enjoy two personal exemptions. You can enjoy the one you have and you can extend it to your son or daughter and the son or daughter can claim the same one. That has changed. The federal government has changed that and because we are going to conform, that would be changed. So, there would be that loss. Those students who are out there enjoying that benefit would not longer enjoy that, it was part of that federal tax reform. That is what we are dealing with in reality. Don't be confused by these numbers, don't be confused by the figures of how many fall into this category. When you look on balance at restoring a system that works and in the bargain providing a benefit to those income taxpayers in the lower echelon of the scale, then you have a proposal and a system that is definitely worth supporting.

The key is credibility and the system we have now does not have credibility. The proposal that we have before you restores that credibility to a system that is fair, a system that is progressive, one of the most progressive income tax systems in the country, and it works. We had with us yesterday a person who flew up from a tax organization called Citizens for Tax Justice. They have been here in the past and they have joined us in discussions about tax policy in Maine. They are known for being strong advocates for progressive taxation and strong advocates for low income people and their rights and interests when it comes to tax policy. We asked them to look at the Majority Report and we asked them to look at all other alternatives and we asked that group, "from your perspective, as a group committed to the rights and to the interests of low income people in a progressive tax system, which system do you prefer?" They said they preferred the Majority Report. The Report that I hope we Adopt tonight. It is fair, it is progressive, it deals with everybody in a fair, equitable manner, and ladies and gentlemen of the Senate, it works. Wouldn't it be great to go home and tell the citizens of your district that finally we took the bull by the horns and fixed this tax system?

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 would just like to start out by saying that far be for me to ever argue tax policy with the good Senator from Cumberland, Senator Andrews, because I think everyone knows that he is definitely one of the Legislature's experts on this thing and I do appreciate his stand. I would like to say, for the Record, that besides students, a lot of elderly people fall into that tax bracket, the lower tax bracket. My mother, for example, makes less than seven thousand dollars a year, so she does fall into that tax bracket.

I would like to ask a question if I may to anyone on the Committee, it is my understanding that in the Majority Report, in the third or fourth year out, there is a tax increase. In that the tax increase continues to compound itself year after year. Is that true?

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. I want to apologize to the good Senator from Penobscot, Senator Emerson. In referring to the figures on the Minority Report I was looking at an earlier report. The Senator from Penobscot, Senator Emerson, is correct, there is nothing wrong with his addition. The problem that I was having with the Minority Report was that the consultants had reviewed that report and estimated that over thirty million dollars would still be left into the state's general fund that was over-collected funds, but consultants do disagree with our State Tax Assessor and I would just hope that we could clean the system up once and for all and get on with other state business. Thank you.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "B" (S-396) to Committee Amendment "A" (H-674) INDEFINITELY POSTPONED.

THE PRESIDENT: The pending question before the Senate is the ADOPTION of Committee Amendment "A" (H-674) as Amended by Senate Amendment "A" (S-374) thereto.

Senator GOULD of Waldo requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator ANDREWS of Cumberland, to ADOPT Committee Amendment "A" (H-674) as Amended by Senate Amendment "A" (S-374) thereto.

A Division has been requested.

Will all those Senators in favor of the motion by Senator ANDREWS of Cumberland, to ADOPT Committee Amendment "A" (H-674) as Amended by Senate Amendment "A" (S-374) thereto, please rise in their places and remain standing until counted.

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

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, Committee Amendment "A" (H-674) as Amended by Senate Amendment "A" (S-374) 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.

ORDERS OF THE DAY

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

An Act to Implement Sound Forest Practices
H.P. 315 L.D. 429
(S "B" S-379 to C "B"
H-635)

Tabled - June 21, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

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

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

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Regarding Governmental Ethics"

H.P. 1282 L.D. 1773

Reported that the same Ought to Pass, pursuant to Joint Order (H.P. 1241).

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

BEGLEY of Waldoboro
GWADOSKY of Fairfield
ROTONDI of Athens
HEESCHEN of Wilton
LARRIVEE of Gorham
JOSEPH of Waterville
DAGGETT of Augusta

The Minority of the same Committee, on Bill "An Act Regarding Governmental Ethics"

H.P. 1283 L.D. 1774

Reported that the same Ought to Pass, pursuant to Joint Order (H.P. 1241).

Signed:

Senator:

CARPENTER of York

Representatives:

HANLEY of Paris
WENTWORTH of Wells
MCCORMICK of Rockport

Comes from the House the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "F" (H-683), "G" (H-684), AND H (H-686).

Which Reports were READ.

Senator BERUBE of Androscoggin, moved to ACCEPT the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report, in concurrence.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report, in concurrence.

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

Joint Order

The following Joint Order:

H.P. 1284

ORDERED, the Senate concurring, that the following specified matters be held over to any special session or the Second Regular Session of the 114th Legislature:

COMMITTEE
Aging, Retirement
and Veterans

BILL
(H.P. 302) (L.D. 414) -

An Act to Establish a
Volunteer Firefighters'
Pension Fund

(S.P. 268) (L.D. 696) -

An Act Concerning
Out-of-state Service for
Members of the

Maine State Retirement
System

(H.P. 1243) (L.D. 1734) -

An Act to Increase
Various License and
Registration Fees of

the Department of

Agriculture

Appropriations and Financial Affairs	<p>Agriculture, Food and Rural Resources (H.P. 1244) (L.D. 1737) - Resolve, to Establish the Commission on Maine's Food Policy (H.P. 527) (L.D. 712) - An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Develop a Statewide Enhanced 9-1-1 Emergency Telephone System (H.P. 1248) (L.D. 1741) -</p>	Human Resources	<p>Municipalities with Respect to the Availability of Affordable Housing (H.P. 332) (L.D. 451) - An Act to Create an Educational Bonus for Affordable Housing (H.P. 250) (L.D. 362) - An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded (H.P. 756) (L.D. 1060) - An Act to Strengthen the Maine Radiation Control Program (H.P. 846) (L.D. 1178) -</p>
Banking and Insurance	<p>An Act to Authorize Mortgagees to Require Property Insurance Provided by Insurers Which Meet Standards Established by Federal Mortgage Loan Corporations (S.P. 648) (L.D. 1743) - An Act to Modernize the Capital Structure of Domestic Stock Insurers (H.P. 943) (L.D. 1311) - An Act to Amend the Third-party Prescription Program Act and Provide for Responsible Health Care Decisions (S.P. 615) (L.D. 1710) - An Act Amending the Licensure Requirements for Plumbers (H.P. 38) (L.D. 38) -</p>		<p>An Act to Amend the Family Planning Services Act (S.P. 444) (L.D. 1197) - Resolve, Directing the Department of Mental Health and Mental Retardation to Study Mental Health Needs (H.P. 1148) (L.D. 1591) - An Act Relating to the Status of Nursing Professions in Maine (Reported Pursuant to Resolves of 1987, chapter 106) (S.P. 586) (L.D. 1648) - An Act to Improve Services for Maine's Mentally Ill (H.P. 400) (L.D. 544) -</p>
Business Legislation	<p>Study the Establishment of a Cabinet-level Department of Children within State Government (Reported Pursuant to Resolves 1987, Chapter 110) (H.P. 660) (L.D. 902) - An Act Regarding the Maine Vocational-Technical Institute System (H.P. 882) (L.D. 1226) - An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students (H.P. 1154) (L.D. 1608) -</p>	Judiciary	<p>An Act to Extend the Statute of Limitations for Medical Malpractice Cases (H.P. 462) (L.D. 627) - An Act Relating to Computer Access (H.P. 491) (L.D. 671) - An Act to Provide Written Notice to Creditors Under the Maine Probate Code (S.P. 281) (L.D. 727) - An Act to Improve the Availability of Emergency Obstetrical Services (S.P. 289) (L.D. 762) - An Act to Establish the Maine Medical Malpractice Act (H.P. 647) (L.D. 881) -</p>
Education	<p>An Act to Clarify the Traffic Movement Standards under the Site Location and Development Law (S.P. 632) (L.D. 1725) - An Act to Amend Maine's Underground Oil Storage Law (S.P. 153) (L.D. 273) -</p>		<p>An Act Regarding the Disposal of Fetal Remains (S.P. 338) (L.D. 899) - An Act to Improve the Availability of Emergency Medical Services (H.P. 733) (L.D. 1010) - An Act Concerning the Right to Die (H.P. 743) (L.D. 1026) - An Act to Modify Joint and Several Liability in Medical Malpractice Actions</p>
Energy and Natural Resources	<p>An Act to Allow Municipalities to Assess Impact Fees for Activities that Create or Intensify Problems for</p>		
Housing and Economic Development			

(S.P. 393) (L.D. 1038) -
 An Act to Establish a
 Limit on Noneconomic
 Damages in Medical
 Liability Actions
 (H.P. 760) (L.D. 1064) -
 An Act Concerning
 Jurisdiction over
 Contested Termination of
 Parental Rights
 Proceedings
 (S.P. 409) (L.D. 1075) -
 An Act to Prevent Double
 Recoveries in Medical
 Liability Actions
 (H.P. 822) (L.D. 1150) -
 An Act to Strengthen the
 State Forensic Service
 (S.P. 434) (L.D. 1151) -
 An Act to Amend the
 Common Law Collateral
 Source Rule in
 Medical Professional
 Liability Cases
 (S.P. 463) (L.D. 1248) -
 An Act to Encourage the
 Continuation of
 Obstetrical Services
 in the Medicaid Program
 (H.P. 998) (L.D. 1387) -
 An Act to Increase the
 Priority of Wage Claims
 Against Insolvent
 Employers
 (H.P. 1001) (L.D. 1390) -
 An Act to Ensure that
 Child Support Payments
 Benefit the Family
 (H.P. 1030) (L.D. 1436) -
 An Act to Amend the Laws
 Relating to Offers of
 Judgment
 (S.P. 531) (L.D. 1466) -
 An Act to Waive
 Restrictions on Certain
 Physicians
 (S.P. 541) (L.D. 1512) -
 An Act to Reform the
 Juvenile Criminal Justice
 System (Reported Pursuant
 to Resolves of 1987,
 chapter 68)
 (H.P. 645) (L.D. 879) -
 An Act to Create a
 Standard for Respiratory
 Rescue Personnel
 Who Are State Employees
 (H.P. 666) (L.D. 908) -
 An Act to Create a
 Workers' Compensation
 Logging Industry Fund
 (H.P. 814) (L.D. 1126) -
 An Act to Enhance
 Enforcement of the
 Driving Under the
 Influence of Alcohol and
 Drug Laws
 (S.P. 0041) (L.D. 11) -
 Resolve, to Study the
 Economic Effect of
 Competitive
 Telecommunication Services
 (S.P. 249) (L.D. 579) -
 An Act to Promote the

Access of Cable
 Television to Maine
 Citizens
 (H.P. 1175) (L.D. 1629) -
 An Act to Amend the Laws
 Concerning Service
 Territories of and
 Additional Service by
 Public Utilities
 (H.P. 1163) (L.D. 1617) -
 An Act to Allow Sheriffs'
 Departments to Transport
 Juveniles
 to State-approved
 Treatment Facilities

Corrections, Joint
 Select Committee

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on STATE AND
 LOCAL GOVERNMENT, on Bill "An Act Regarding
 Governmental Ethics"

H.P. 1282 L.D. 1773

Majority - Ought to Pass (H.P. 1282) (L.D. 1773),
 pursuant to Joint Order (H.P. 1241).

Minority - Ought to Pass (H.P. 1283) (L.D. 1774),
 pursuant to Joint Order (H.P. 1241).

Tabled - June 21, 1989, by Senator DUTREMBLE of
 York.

Pending - Motion of Senator BERUBE of
 Androscoggin, to ACCEPT the Majority OUGHT TO PASS
 (H.P. 1282) (L.D. 1773) Report, in concurrence
 (In Senate, June 21, 1989, Reports READ.)

(In House, June 21, 1989, the Majority OUGHT TO
 PASS (H.P. 1282) (L.D. 1773) Report READ and ACCEPTED
 and the Bill PASSED TO BE ENGROSSED AS AMENDED BY
 HOUSE AMENDMENTS "F" (H-683), "G" (H-684), AND H
 (H-686).)

Senator CARPENTER of York requested a Division.

THE PRESIDENT: The Chair recognizes the same
 Senator.

Senator CARPENTER: Thank you Mr. President. Mr.
 President, men and women of the Senate. It wasn't
 long ago that I spoke on a confidentiality Bill
 here. It seems like we pretty much agreed on that
 Bill. It was to protect the public sector on job
 applicants. The media called that a secrecy Bill.
 This Bill is an ethics Bill, somewhat in reverse of
 the confidentiality Bill. The general public is
 looking to us to come up with an agreed upon
 disclosure of ethics Bill. I know we can do it. We
 heard four or five Bills in the State and Local
 Government Committee. Some were much more
 restrictive than this one, some were less
 restrictive. I oppose the Majority Report because
 there are a few sections in there that the minority
 signers would like to have added. I thought we were
 going to reach an agreement at one time, I went to
 the Utilities Committee and then I came back and it
 seemed like we didn't have complete agreement. There
 are a lot of problems, we feel, with this Bill. I
 believe some will be corrected tonight by amendments.

The one point that I and the minority disagree
 with is that the Minority Report on the ethics
 legislation would strengthen Maine's financial
 disclosure laws and prohibit state officials from
 accepting honoraria for speeches that they may give
 before special interest groups. The purpose of our
 package is to promote public confidence in the
 decisions of government officials. The people we

Labor

Legal Affairs

Utilities

represent should be assured that the decisions made by government officials are untainted by conflicts of interest. Strong financial disclosure laws for the public confidence and the integrity of state officials, because they help identify conflicts of interest and remind government officials to avoid official actions that could effect their personal interest. One way to protect the public interest is to make public ones private interest. One of the weaknesses of current law and of the Majority Report is that current financial disclosure laws are inadequate. Unfortunately, the Majority Report does not go far enough to remedy these problems. Deficiencies in the current law severely limit their usefulness as a means for identifying conflicts of interest. One such deficiency is the requirement that in reporting income one need only to identify the general economic activity involved and not the specific source. Requiring the official to identify the specific source of the income solves this problem.

Another weakness is the failure of current law to cover liabilities. An official is just as likely to be beholden to a person to whom he owes a substantial amount of money, as he is to someone from whom he receives income. Regretfully, the majority refused to close this glaring loophole. Our proposal would significantly revise Maine's financial disclosure laws to provide the public with more comprehensive information about the private financial interest of the state's top public officials. Without, however, unnecessarily invading their privacy. Financial disclosure laws have to be carefully crafted to avoid creating barriers to public service. Ideally, financial disclosure reports should not simply be a source of new stories about the personal wealth or lack thereof of public officials. On the other hand, they need to include enough information to allow conflicts of interest to be discovered. Our legislation attempts to strike a reasonable balance between the benefits derived from disclosure against the possible costs of requiring public officials to relinquish a certain measure of their privacy. Specifically, officials would be required to report information about their income, liabilities, gifts, and reimbursements for travel related expenses. Officials would be required to identify the specific source of income exceeding three hundred dollars, liabilities exceeding one thousand dollars, gifts valued at more than three hundred dollars, and reimbursements exceeding three hundred dollars. Certain exemptions to these requirements have been included where disclosure would serve no useful purpose. Officials would not have to disclose, for example, home mortgages, educational loans, or gifts from relatives.

Like the Commission to study ethics, headed by Stan Lupper, we concluded that state officials should not be required to disclose the exact amount or category of value of their income and debts. It is the identification of the source, not the amount of an officials financial interest, that is needed to determine whether or not a conflict of interest exists. I don't see the need for requiring public officials to disclose how much they are worth, that would be an unnecessary invasion of privacy that might discourage people from serving in government. Our legislation also includes a ban on the acceptance of honoraria by state officials. Few practices raised as many ethical questions as the acceptance of honoraria by public officials. Unlike campaign contributions, for example, honoraria go directly into an officials pocket. Since the acceptance of honoraria can undermine public confidence and the

integrity of public officials, I believe that the practice should be outlawed.

We, in Maine, have been fortunate to enjoy a long tradition of public confidence in our elected and appointed officials. This legislation seeks to insure the continuation of that support which is so essential to government.

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

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. The State and Local Government Committee discussed and worked very well and very hard on this issue. First of all, I would like to state that there is no listing of assets in L.D. 1773, which by the way is the Bill before us, not the Bill that the gentleman from York, was discussing. He was talking about L.D. 1774, which is not before us. To respond to his banning of honoraria, I don't think anyone will take the wrong path for a fifty dollar honorarium. You must remember that in this Legislature, we are mostly a citizens Legislature and many people do earn a little extra if their talents take them in that direction. If they do accept an appearance or do make a speech unrelated to the Legislature, that would not be reportable income. Basically, the thirteen members of the Committee were pretty much in agreement that we needed a Bill and we were responding a little bit to the fact that there has been a great deal of national attention to the issue of ethics and so it became apparent that now was the time to perhaps reassess our own positions here in Maine. L.D. 1773 incorporates many of the issues that were mentioned in the the seven or eight Bills dealing with the ethics question that were before us, so we took many of the good pieces out of that and made one good Bill, which is the Majority Report. While there may have been diverse opinions at times in our Committee, nonetheless, we worked to the same objective and that was for a good and a very fair Bill. This document is not a result of overreaction based on the national attention to the issue, but it simply is a reaffirmation of our commitment to ethical behavior. While there may not be sweeping changes in this Bill, nonetheless, they do furnish clear and concise guidelines for us all. Obviously, we cannot please everyone, but I think this is a good sound Bill, it is not threatening, but rather it is positive and it sets direction for all of us. I would strongly urge that you support the Majority Ought to Pass Report. 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. First of all, I would like to agree with the good Senator from Androscoggin, Senator Berube. I believe that the issue of financial disclosure election law ethics is very difficult for anyone to deal with. I know that when I was first in the Legislature, nine years ago. I thought I was so lucky because I was chosen to serve on the Election Laws Committee, with incidentally the good Presiding Officer from Penobscot, Senator Pray. I learned after I got assigned to that Committee, that, indeed, was the Committee that they gave to Legislators when they didn't know where else to put them. Since then, we have disband that Committee and put it all in the State and Local Government Committee and I guess I feel sort of bad for that Committee because the issue of election laws and ethical laws are always

controversial. Sometimes that is tough, I know sometimes we would like to set aside the controversial and the partisan overtones and do what is right and I think the State and Local Government Committee has gone a long way to do what is right.

I know that whether we like it or not, we are involved in what has occurred over the recent month in Washington, we are kind of fitting into that category. I don't believe that the public views us as exactly the way they do with the Washington politicians, but the fact that we are public officials makes us a target for the public.

The financial disclosure aspect of this legislation has always been a concern of mine. I really have to say that I love serving in the legislature, I think that is pretty obvious for anyone that knows me at all, and I have to say that I can't think of one member of this Body or the legislature who would intentionally violate election laws, but I think sometimes because the law is so vague and sometimes it is difficult to read. Like I said, I served on that Committee, and sometimes I look at an election law and I read it and I still am not sure of the correct interpretation of that law, but I don't think that this Bill is an attempt to hurt anyone here in this Legislature. I think the State and Local Government Committee didn't think that anyway.

But, I do have some objections to the Bill. I don't think they went quite far enough. When I was first looking at it this morning, it has been an issue that I knew I was going to debate for a couple days now, and when I was first looking at it, I looked at the Majority Report and I said this is not at all what we expected and, sure enough, it wasn't really what the Majority signers had expected. They have gone a long way and I understand will go a little bit further this evening to take off some of the areas that I find objectionable. One is the municipal officials. I agree that the municipal officials, the amendment that went on the bill to take those out of the running, to say that they may adopt an ethics policy, I think that is good, I am happy that is on. There are papers that have been considered elsewhere that will correct the objection that I have with that particular section. The other section that I had objections with, and perhaps will be corrected in the near future, is the section about lobby restrictions. I don't object strongly to that, but I am glad if you want to look at the blue papers on your desk, you might find that has been removed as well.

The objection that I really have, and has caused the controversy that apparently has taken place this evening, is about liability. I think that it is imperative that public officials disclose their liabilities. I think it is equally as important as income. Now, we are not talking about liabilities like home mortgages and residences. We are not talking about car loans. We aren't talking about alimony. We aren't talking about education loans. We aren't talking about credit cards, under five thousand dollars, but I think and I try to use a hypothetical example, if I, for example, bought a piece of property and someone took the promissory note on that, I think that has reason for disclosure, not that the person intends to do anything wrong or illegal, but I think the public deserves that right to know.

I would like to mention that the Tupper Commission, which I have read, and most of the Bills that were before the State and Local Government Committee, did recommend originally that liabilities be disclosed. I am not trying to implicate anyone, I

think that we are all honest, tired, hard-working people, but I think that this is an issue that needs to be clarified for the preservation of the Legislature. Thank you.

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. We couldn't do it all in one Bill, but I think we addressed the key points; the source of income, the specifics, the type of employer you might have, the type of work you do, and this sort of thing. As far as liabilities, let's pass this report tonight and in January if we feel that we must add liabilities, at that point, we can sit down and talk about it again in our Committee. We were divided on that issue, but I am certain that we could come to a meeting of the minds. So, this evening, as it is getting very late, why don't we simply vote on this Bill. I would appreciate your support on the Majority Report.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Sagadahoc, Senator Cahill said that the intention of this Bill is not to hurt anyone and I really believe her on that. I don't think that there is anybody in this Body, or I would hope so anyway, who will not take an issue like this, and issue on ethics, and make politics out of it. I think you are all aware of the press release, issued by the second floor, on this issue. That press release is very upsetting. Deep down inside, this Governor is not of my political party. I really can't believe that the Governor wrote that press release. I have to believe that it came from some place else down there and maybe it was let out, not really understanding the full impact of that. At least I would hope so.

We are all here because we are political animals by nature, without a question. You can all go home and say that you are not a political, and the rest of them up here are, but when you run for office, you are a political animal. When we deal with Bills up here, I like to break them down into three categories. First are the ones that we pass unanimously without any problems and everybody lets these Bills slide through and doesn't say a word. The second ones you have Bills like the solid waste issue, we have people on both sides of the aisle supporting either the Ought Not to Pass, or the Ought to Pass Report and these are not partisan. Then there are the third type and that is the Bill when people come in and they go into the Majority office or the Minority office and they go into the corner and are asked to put on their political uniforms. They come in because today we are going to talk about political Bills. Those are the Bills that they use during the elections, and those are good too, because that is the process. Those are the ones that keep us on our toes.

As I listened to the tax debate, the good Senator from Cumberland, Senator Andrews, the good Senator from Penobscot, Senator Emerson, and the good Senator from Waldo, Senator Gould, gave very good views. Those can be used in an election. Some of it is political rhetoric, some of it you may feel is true, but yet those are political Bills, we will use that in the election, you know we will. We have to be careful that the type of government doesn't degenerate into a situation that has happened at the national level, and some of us believed happened in the last election where we come back here and we can't look each other in the eyes. One thing about this place is hat none of you people, not one person

here did I know before I came up here. You come up here and you meet new people, some are Democrats and some are Republicans, but you know, you meet good people, you make good friends. We are a citizens Legislature, we are not professionals. My goodness, I don't think I would ever want to be a professional politician. We are citizens, we are not perfect at what we do, we just do the best that we can. When I see Senator Pearson and Senator Perkins from the Appropriations Committee do all the work that they have to and they have the gut wrenching job of trying to get it done and trying to get it done right, as every person does on their committees, you know we are a citizens Legislature. You know we are not professionals, because we feel for the things that we do. So, before we degenerate into an ethics battle that becomes political and goes after people and their reputation, their lifestyle, and really hurts them at home, that is when we have gone too far. My goodness, if we ever reach that point, everyone of us, if that is the way we are leading the people of the state into a direction of politics, then maybe it is time that we all pack up and go home and let somebody else come up here and start fresh, because I don't think the people want it.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report, in concurrence.

A vote of Yes will be in favor of ACCEPT the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators None

20 having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report, PREVAILED.

The Bill READ ONCE.

House Amendment "F" (H-683) READ.

On motion by Senator BERUBE of Androscoggin, House Amendment "F" (H-683) INDEFINITELY POSTPONED in NON-CONCURRENCE.

House Amendment "G" (H-684) READ.

On motion by Senator CLARK of Cumberland, House Amendment "G" (H-684) INDEFINITELY POSTPONED in NON-CONCURRENCE.

(See Action Later Today)

House Amendment "H" (H-686) READ.

On motion by Senator CLARK of Cumberland, House Amendment "H" (H-686) INDEFINITELY POSTPONED in NON-CONCURRENCE.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator BERUBE of Androscoggin, Senate Amendment "D" (S-395) READ and ADOPTED.

On motion by Senator CAHILL of Sagadahoc, Senate Amendment "A" (S-386) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. Just so that there is no confusion, the Amendment that I have offered deals with the question of liability that I spoke to at length already.

On further motion by same Senator, Senate Amendment "A" (S-386) ADOPTED.

Senate at Ease

Senate called to order by the President.

Senator CLARK of Cumberland, moved to RECONSIDERED whereby House Amendment "G" (H-684) was INDEFINITELY POSTPONED.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. To explain my previous motion to Indefinitely Postpone, is only to highlight the fact that I was in error. As I read House Amendment "A", ever so quickly, my interpretation of it was that it would have allowed local municipal officials and county commissioners to adopt ethics policies. Admitting that error, please allow me to state that evidentially in L.D. 1773, there is a section, which I just reviewed, which says, "they shall adopt ethics policies." If consistency is to be followed, I would be offended by the fact that the state would be so grand to allow them to adopt ethics policies. The fact of the matter is, I blew it. House Amendment "G" changes the word "shall" to "may". I still say that county commissioners and municipal officers don't need the state telling them whether they shall, or whether they may, adopt ethics policies. They are perfectly capable of making those decisions themselves. Thank you.

On further motion by same Senator, House Amendment "G" (H-684) ADOPTED, in concurrence.

On motion by Senator HOBBS of York, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

ORDERS

Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 600

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 2, section 2, the First Regular Session of the 114th Legislature shall be extended for two legislative days; the first being Thursday, June 22, 1989, and the second legislative day being Thursday, June 29, 1989, in accordance with the Provision of said section.

Which was READ.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would hope that the Senate, in its wisdom tonight, would endorse this and Pass this Joint Order as we try to wrap up this Legislative Session. If you read it, you will notice that we going to extend for two days; the first day being twenty minutes from now, whatever time it is, it is going to be here soon. Those of us in leadership intend to be here and finish the

business as much as we can today, tomorrow, and then go home until next Thursday. Thank you.

Off Record Remarks

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. Does anyone really know what time it is? I think that when we talked with our caucus, we may not have been clear with them about our intent for this Joint Order, because I am getting terrible stares at me tonight. The intent of this Joint Order, as I understood it, would be for us to extend for one day so that we could get our work done this evening and tomorrow morning. But, as soon as we are out of here tomorrow, we are going home until next Thursday. Is that correct Mr. President?

THE PRESIDENT: The Chair would state that the Order says June 22 and June 29. The Chair would answer in the affirmative to the Senator from Sagadahoc, Senator Cahill.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to say to the members of the leadership of this Senate that I deeply appreciate the bipartisan atmosphere to which this extension was approached. It gives those of us who need it, some very necessary time to work in the mean time. Your good grace and kindness is appreciated very much.

THE PRESIDENT: This Joint Order requires the affirmative vote of two-thirds of the Members present and voting for Passage. 32 Senators having voted in the affirmative and No Senators having voted in the negative and 32 being more than two-thirds of the Members present and voting, the Joint Order was PASSED.

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

Off Record Remarks

The following proceedings were conducted after 12:01 a.m., June 22, 1989.

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

COMMITTEE REPORTS

House

Pursuant to Joint Rule 22

The Committee on LABOR on Bill "An Act to Allow 15-year-olds to be Employed in Kitchen and Common Areas in Bed and Breakfast Establishments and Inns with less than 20 Rooms" (Emergency)

H.P. 293 L.D. 405

being reported pursuant to Joint Rule 22.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-654) AS AMENDED BY HOUSE AMENDMENT "B" (H-682) thereto.

Senator ESTY of Cumberland, moved to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. This is

another Bill that the Labor Committee had discussed. Without getting into the merits of the Bill and the discussions that occurred, I would just like to say that the Labor Committee, informally, unanimously agreed that this was not the time to deal with this Bill, but it has some merit, it is worthy of consideration. So, without getting into those details, I would just like to say that the good Senator from Androscoggin, Senator Whitmore, and myself agree with this issue. We agree with Indefinite Postponement at this time and I would ask that this Body work with us and agree with that. Thank you.

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

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to rise to ask that you not Indefinitely Postpone this Bill. It is one that is extremely important to the area of tourism. In Lincoln County, that is certainly our number one source of income and employment in the summertime. The Bill before us, just merely asks an emergency measure, that minors who are fifteen years old or older may be employed in kitchens, dining rooms, lobbies, and office of public accommodations for lodging during the period of June 15 to Labor Day.

I think we all realize that fifteen year olds who presently work in restaurants and they can wash dishes and clear tables and wait on tables, but if that restaurant is connected to rooms that are for rent, they are not able to work there. They cannot even wash dishes, they cannot clean the public rest areas, they cannot set the tables. In my area, a lot of the children go down to Brunswick and surrounding areas, to work in the local Burger Kings and other fast food restaurants, when they can't even work in their own home town in bed and breakfast lodging where we desperately need assistance. These children are fifteen years old, they have to drive a long way to get down to work, they do not have a good history of driving and we would rather have them stay in their own town where they would be safe and would be helping the local economy. The Department of Labor currently is providing posters to encourage out-of-state children to come to work in our own resort areas and I sincerely believe that these children from Maine should have these positions. There is a small fiscal note on the Bill, which will provide funds for a part-time clerical position and the printing and mailing costs for the Labor posters. So, I do hope that you might consider passing this Bill, so that we can relieve some of the unemployment hassles that we have in the tourism area along the coast of Maine. Thank you.

Senator MATTHEWS of Kennebec requested a Division.

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. The good Senator from Cumberland, Senator Esty, mentioned that we had agreed in Committee and I think it would be wise for me just to expand on that just a little. At the time we were discussing the item before us now, there was also another Bill that would deal with hotels and motels, by themselves. Then there was a Bill that dealt with bed and breakfast establishments and fifteen and sixteen year olds working in there. It was also discussed at that time, within the Committee, the subminimum wage, which if you are not familiar with that says that young adults up to age nineteen can be paid a wage that is seventy-five percent of the state minimum wage. That equates to two dollars and eighty-three cents a hour. There was

a lot of discussion with regard to that and some of the jobs that young people would handle would be the same job as an adult and they should be paid standard minimum wages. That being the question and the good Senator from Cumberland, Senator Esty, being involved in education also felt that he would like to look at the entire youth working through the school year and did if it affected the ability to keep those kids in school. That is the reason why we set it aside. We asked for a study, a study has been granted and has gone before the Legislative Council and it is on the list of Bills to study. I just give that for some explanation as to what has taken place, because I don't think it was properly explained at the time.

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 good Senator from Androscoggin, Senator Whitmore, is absolutely right and that is why we agreed. This issue is worthy of some consideration, but it is premature. We have established, we have passed, that study commission for this summer to take a comprehensive look at minors working, the educational impact of the working, the training, etc. The Labor Committee unanimously agreed, informally. The Bill was one of the Bills that was snatched because of time frames that we were dealing with and basically has come up because of that reason. I would only ask that each and everybody that could support this bipartisan agreement of the Labor Committee.

On motion by Senator ESTY 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 Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I teach at Brewer High School and I am glad there is a study that is going to go on the educational impact. One of the biggest things that we have to fight in school is the desire of kids to quit school to go to work. I am pretty sure that it is not going to effect bed and breakfast, but I am excited about the fact that you are going to look into that, because they want to drop out to go to work. It is Burger King and McDonald's that is enticing them for cheap wages, to get out of school early, don't participate in extra-curricular activities and on and on it goes. They really have had a terrible impact on trying to keep kids interested in school.

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 concur with the last statements made with regard to children leaving school, there is no question that is a problem. It is a problem in the wealthy areas as it is in the poor areas, but when I was fifteen years old, I couldn't even get a job. We are talking about summer employment, not when children are in school. This is an ideal situation and it is time for you people to do your study, well you can study how these people are working. These fifteen year olds could be working and you could study what they are doing. What difference does it make? Give the kids a change to work. It is the best training they could have and perhaps they are even members of the family of people who own these places. I think it is ridiculous to not let these children work while you are doing your study. Thank you.

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

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. When we talk about the education, I understand what you are saying, but we must remember that we are only talking about June 15 to Labor Day, that is not interfering with their school work. Secondly, I would ask the Chairman of the Committee what do you mean when you say an informal unanimous intent?

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

The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The situation was such that the Bill had been recalled because the Speaker and the President of the Senate said that these Bills will be acted upon, or if not acted upon, will be grabbed by whoever does that. I know the persons name and that occurred. So, we discussed this as far as the Senator from Androscoggin, Senator Whitmore, in the context of a number of other items and agreed that to be consistent within the Labor Committee regarding the comprehensive look at this issue, that we should be consistent and we should take the action in the areas that have been indicated by the other speaker. The entire Committee agreed upon that, there were one or two people perhaps not at attendance at that particular moment, as we all know is the case, and we never took a formal vote on it, because we did not properly have the piece of information in front of us. We just said that this is what should be occurring. We did the best we could in that area and that is what those words mean. It was of that nature and it was unanimous and bipartisan.

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

A vote of Yes will be in favor to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

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, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTY, GAUVREAU, HOBBS, KANY, PEARSON, THERIAULT, TITCOMB, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

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

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 ESTY of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

The Bill READ ONCE.

House Amendment "A" (H-654) READ.

House Amendment "B" (H-682) to House Amendment "A" (H-654) READ and ADOPTED.

House Amendment "A" (H-654) as Amended by House Amendment "B" (H-682) thereto, ADOPTED, in concurrence.

Senate at Ease
Senate called to order by the President.

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

Senator WEBSTER of Franklin, moved that this Bill, under suspension of the Rules, be sent forthwith to the Engrossing Department.

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, that the Bill, under suspension of the Rules, be sent forthwith to the Engrossing Department.

Senator BOST of Penobscot OBJECTED to Suspending the Rules.

The Chair ordered a Division.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, that the Bill, under suspension of the Rules, be sent forthwith to the Engrossing Department, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, that the Rules be Suspended, FAILED.

ORDERS OF THE DAY

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

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation

H.P. 1025 L.D. 1431
(H "D" H-661; H "E" H-663; S "J" S-397 to C "A" H-640)

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

Pending - ENACTMENT

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "E" (H-663); HOUSE AMENDMENT "D" (H-661) TO COMMITTEE AMENDMENT "A" (H-640), in concurrence.)

(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. This is a solid waste Bill and it has come to our attention that it is in need of an Amendment dealing with a fiscal note, but I would like to clarify for the Record that nothing in this legislation would in any way interfere with the slow down or prevent the licensing or relicensing of the landfill proposed in township thirty for disposal of residue from MURC or PURC waste to energy plants which serve over one hundred and twenty Maine towns, including my own.

On motion by Senator BUSTIN of Kennebec, 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-640).

On further motion by same Senator, Senate Amendment "J" (S-397) to Committee Amendment "A" (H-640) READ and ADOPTED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640) READ.

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. This Amendment appears to have a purpose to expand Maine's returnable bottle law to cover liquor, but not to extend the law to cover other beverage containers. This Amendment also keeps the handling fee paid for by distributors at its current level.

Senator KANY of Kennebec requested a Division.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. I stressed the evening before last that we were not considering the bottle bill, but we were considering "An Act to Promote Reduction, Recycling and Intergrated Management of Solid Waste and Sound Environmental Regulation". If we eliminate some of the proposed containers that is now under consideration, how much of the waste stream would be effected? I have received some estimates that were given to me that when we add the total amounts of what is in the bottle bill that we now have, plus the expanded bottle bill, we come up to about ten percent of the waste stream that is proposed to be managed under our Bill. Perhaps you don't think ten percent is much, but that is your privilege. There is something else that is involved here to that you should know, particularly you people who are from areas where you already have incinerators. Efficiency of your incinerators is vastly improved when you take out the glass, the metals, etc., your furnaces burn better, your grate in your furnace doesn't get glassed over as the heat will do with the glass. There are a lot of different things that you may or may not consider when you are voting on this Bill. But, I personally think that when you start shooting holes in a Bill, where do you really stop? We have worked long and hard, not just the Committee, but many other people also in trying to come up with a package. Perhaps you don't want that package and that is the right of the individuals here to decide. 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. This particular issue is a troubling issue to me, because I want to do something about solid waste, I want to do something about the landfill situation, I want to do something about the litter situation. But at the same time, I would like to do something that makes sense.

This morning on one of the television shows, they had a guy who was an expert on trash, just as we are discussing this subject, they must have heard, because they had a special show on trash. I watched it. The guy was explaining that if we cut our grass and don't send it to a landfill, and if we stockpile our newspapers and recycle them, that is twenty-five to thirty percent of our landfill. We are talking about expanding the bottle bill to go beyond the bottle bill into another area. It doesn't have the

distribution, it doesn't have the franchisee, the single distributor. You are talking about taking a network and trying to expand it, but the problem is that there is seven or eight distributors who take care of Very Fine juices or Dole juices or the other types of juices. There is not just one. That is the problem with expanding it. We want to address the solid waste situation, there is no question about it, but let's do it in a way that makes sense. This particular avenue, as proposed, is something that has some problems and working it out.

There have been other issues that this Legislature has dealt with that we can deal with and we can discuss. What I resent, tremendously, is being put into a position where we have to act or the Bill dies. If there are people in this building that want to act irresponsibly, if there are people in this building that don't want to listen to some of the problems as we may see it or as I may see it and they think that their way is the only way, take it or leave it, I don't think that is appropriate. I don't appreciate being put into that particular position. This particular document has over one hundred pages in it. This document has sections A-F, we are taking about section D and amending a portion of section D. There are tax implications in this legislation, there are fees, there is rescheduling, there is municipal reimbursement, there is different ranges of pay, there is different collection of people and sorts. There is a lot within this legislation. I don't appreciate it when somebody tries to shove it down my throat. If they don't like being able to discuss an issue, that is what we are here for, to work out our differences collectively. To figure out that there may be another side to the issue. I don't appreciate that. I am willing to work with these people and come out with something that makes sense and can do something about the solid waste problem. If there are people in this building who don't want to do that and feel that now they have the Senate, because they are going to have to Enact it, and they don't want to kill it, that is not a position for us to be in to develop good legislation. This is poor legislation in sections. It is legislation that has been worked on very hard by the Committee, the Senators on the Committee have done a terrific job, they spent a lot of time working on it. They poured in endless amounts of energies and industries. In some areas it is, in my opinion, something that needs to be reworked. I would like the opportunity to be able to work together with the people involved to come out with some legislation that makes sense. But, if the other members in this building feel that it is their way or no way, they are asking for trouble. As far as I am concerned, I might give them their option. I think that is why I would appreciate it if we would Adopt Senate Amendment "B". Thank you Mr. President.

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 make sure that the good Senator from Penobscot, Senator Baldacci, realizes that there was no intent on the Committee's part of offend him in any way or to try to force anything down his throat. I am glad that he noted on the news this morning there was a story about trash. Most of you will realize that it is hard to watch television for any amount of time, or to pick up a newspaper, or a magazine, without reading something about garbage, trash, or solid waste. It is the crisis of our day and that is why there is so much of it around. I noticed just this week on my desk, two different magazines appeared having to do with recycling and waste alternatives,

you may have received the same. It is an enormous problem, it is not going to go away without our help. As I mentioned the other day, we did manage recently to add wine coolers to the original bottle bill, which had worked so well, and it worked very smoothly, we have managed to add that additional source of recycling or refillable returns to our way of life. We have managed to accept them. Because the problem is now so large and because the public is so much aware, and has shown us through our questionnaires and a great many other avenues, that they are eager and willing to help us solve this solid waste problem. We are trying to take a larger step now and we do believe the majority of people are ready to accept the additional expense, the additional nuisance, and to acquire the pride of knowing that they are helping to clean up our environment and free additional space in our landfills.

I would like to let you know that over last summer I was very fortunate in being able to be part of a solid waste study group which was composed of a group of Legislators, a bipartisan group. You may have received one of the reports on your desk earlier this year, "Study of Recycling Options From Municipal Solid Waste", published in December of 1988. Representative Donald Carter was the Chairman of that Committee, Representatives Reed Coles, Richard Gould, Willis Lord, Malachi Anderson, and Vinton Ridley were members of that study Committee. We traveled all over, looking at landfills, recycling centers, watching bottles be crushed to be made into new bottles, cans being crushed to be taken back to be made into new aluminum cans. We saw how many small communities had learned to change their ways of life to recycle, to separate, and to make do and save future expense by not having to have their trash hauled away. It is becoming a very expensive business. So, we are not asking you to do something simple, it is going to be a difficult task, but we are asking you to take the responsibility of handling it and to bite the bullet now before the bullet becomes too big to swallow.

I would like to read one section from this bipartisan Report, which the study committee produced last year, "The study committee unanimously recommends the expansion of the existing beverage container deposit law to include all types of beverage containers, with the exception of dairy products. The bottle bill has proven to be the most efficient collection and recycling mechanism in Maine today, with a container return rate estimated at approximately ninety-five percent. While the current law may account for approximately five percent of Maine's municipal solid waste, a very substantial additional quantity of waste remains in the form of beverage containers not subject to the law. It is those containers we now ask you to address." I hope you would defeat the current motion by the Senator from Penobscot, Senator Baldacci, for the Amendment that he proposed. Thank you.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to echo the gentlewoman from Aroostook, Senator Ludwig's remarks that no one that is a member of this Senate, that is a member of the Energy and Natural Resources Committee, has tried, or is trying, to shove anything down anybody's throat. All I did a while ago is try to share with you some information I received on the percentage that was given to me on the waste stream that we are talking about, plus to point out for you some simple facts about the

efficiency of the boilers that are burning some of the waste now. In no way do I see how my remarks can be interpreted as trying to shove anything down anybody's throat, because it certainly is the last thing that the three of us will be trying to do.

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.

On motion by the Chair, Tabled until Later in Today's Session, pending the motion of Senator BALDACCI of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640).

The Majority of the Committee on TAXATION on Bill "An Act to Amend the Maine Income Tax Laws"

H.P. 124 L.D. 161

In House, June 21, 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-674).

In Senate, June 21, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED, in concurrence and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674) AS AMENDED BY SENATE AMENDMENT "A" (S-394) thereto in NON-CONCURRENCE.

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

ORDERS OF THE DAY

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

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation

H.P. 1025 L.D. 1431

(H "D" H-661; H "E" H-663; S "J" S-397 to C "A" H-640)

Tabled - June 21, 1989, by the Chair.

Pending - Motion of Senator BALDACCI of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640)

(In Senate, June 21, 1989, RECONSIDERED ADOPTION of Committee Amendment "A" (H-640). Senate Amendment "J" (S-397) to Committee Amendment "A" (H-640) READ and ADOPTED. Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640) READ.)

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

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. For many years, as a member and chairman of the Business Legislation Committee, I opposed the expansion of the bottle bill. I worked as I felt was best to work to protect it as an anti-litter measure and this Senator from Penobscot, Senator Baldacci, was using my name last night and was surprised that I voted against him last evening because we had fought so hard to eliminate wine coolers a year ago and lost miserably. I would now explain why I voted, last night seemed to be a night for confessions, tonight is also my night for confession, reminding you that the Senator from Cumberland, Senator Clark, was also co-chair with me for many years on that Committee.

The fact is, and why I think so many of us have been ambivalent during this debate, is that we are facing a major change. The change is the bottle bill is no longer to be just an anti-litter bill, it is now to be the recycling bill, the recycling way. There may have been other ways, some of us would have

wished that other ways had been chosen, but they have not been chosen. This issue has been put in the hands of another Committee, the Committee dealing the solid waste, and we have known this has been coming for many years. Those of us on Business Legislation for several years knew that packaging was an issue that had to be addressed. So, it has been a decision of this major Committee, on this major issue, that they would put together a Bill that would deal with solid waste and in the issue of recycling they have made the bottle bill a centerpiece. So, it seems to me that I must support, as I supported last night and will again tonight, the expansion of the bottle bill.

The second confession is that I was opposed to the increasing of the handling fee when it went from one cent to two. Redemption centers were on the line. I felt at that time for the bottle bill it would have been okay for redemption centers to pass away, but the decision of the Legislature was that we would keep them, we would go from one cent to two.

We did, redemption centers flourished a bit and have been able to come along and in many cases to be a very important part of the recycling effort. In my town, I can go to my redemption center and I can be the twelfth car in line, with many, many bottles. If you go to the local supermarket and there are seven or eight carts in line. It is very important that the redemption center, at least in my area, stay healthy.

So, I am now supporting an increase in the handling fee for two reasons. One, redemption centers that are now in practice must stay in business. They are going to be part of this recycling thing, but more than that, I think the community and other people are going to get into the recycling business. We know that we are going to have to pay for recycling. It is going to be put into the cost of the product. This is one of the ways we are going to pay for it, there is going to be three cents put on the product rather than two. We are ready to do that, my constituents are in my questionnaires, and I am ready to do it. So, this is all part of the effort of dealing with solid waste, this is that part of recycling, I would urge you to defeat this Amendment and to allow this major piece of legislation to be passed tonight. Thank you.

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

The President then took a seat of the floor of the Senate.

Senate called to order by the President Pro Tem.

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

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. I would ask you tonight to support the good Senator from Penobscot, Senator Baldacci, on his Amendment. Many of us have a lot of concerns about this Bill, and I greatly respect the hard work that was put into this measure by the members of the Senate who serve on the Energy and Natural Resources Committee, as well as those who serve in the House. The real problem with this issue is that this is a tremendously large bite of the apple, too fast, too soon, and, in my opinion, not well thought out. At least not well thought out enough. It is unusual for a major Bill like this, as a matter of fact as long as I can remember there has never been a major Bill

like this come out of Committee, that didn't come out unanimous. That ought to send a flag up to you that there is a problem with this. Every time education reform and I could go through the whole list of them, it has always been a unanimous report, the Committees sit down, they work out their problems, they come out with a Bill and we pass a law.

I would ask you to support the motion here tonight to put this in a better parliamentary position. Let's be honest, I am not talking about the merits, this Amendment is exactly what I want, to be honest with you, it isn't. I didn't like particularly the Amendment we passed the other day which the good Senator put on. That wasn't perfect either. We need to position this Bill so that we can work on this Bill further to have a law that will be amicable to everyone. No one is going to be happy with what comes out of this Bill, in fact no one is going to be completely happy, but it is my sincere belief that we can come out with something by the time we come back here next Thursday. I would ask you to support this motion so we can put this Bill in a better position for us to enact a law that will be meaningful.

I represent an area of the state where there is a sanitary landfill. It is a major concern to the people who I represent. There are very few things in this Bill that I don't support, but I have never and will never vote for anything if there is something that offensive in the Bill that I don't agree with. I will vote against it. Just as I did several days ago on the video tax, because I didn't believe in the packaging concept, the idea of putting a bunch of things together and then passing it. There are things in this Bill that I don't like and I may end up voting against it in the end. I would ask the Senate tonight to put this Bill in the right position, parliamentarily, so we can discuss, debate, deal with the other Body, deal with the members of the Committee, deal with the Senate, and try to come up with a Bill that is better than what we have. The Committee did a good job, they worked hard, it is not an easy issue, I don't have the answers and I am glad I am not on that Committee, because I wouldn't have wanted to go through the grueling hours that Committee had to go through. But, obviously, with the amount of debate, the amount of concern, that has been expressed here and in the other Body, this issue is not perfect yet and needs to be addressed further. Tonight I would request you to vote and suggest that you ought to do that if you really want to Enact a law in this session of the Legislature to deal with solid waste, because I believe the best chance we have to Enact something reasonable is to put this Bill in the right posture and Senator Baldacci's Amendment puts it in that posture. Thank you.

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

Senator MATTHEWS: Thank you Madam President. Madam President, men and women of the Senate. Just to respond to the good Senator from Franklin, Senator Webster, there may not have been an unanimous Committee Report, but eleven members of the Energy and Natural Resources Committee voted in favor of this legislation, as Amended. Eleven members of the Energy and Natural Resources Committee.

It has been interesting for me to look through the Legislative Record of the bottle bill and the attempts at the beginning of solid waste management in this state ten years ago, even longer than that. We heard all the doom and gloom before, it has been said over and over again and it hasn't happened. We have made progress.

This Bill continues progress because the state belongs to our children, it belongs to all the citizens that will be living here in the future and we have an obligation to do what is right for them too. But as I listen to all the comments in opposition they have all been said before.

It was the leadership of some courageous Legislators, some are still in this Chamber, the good Senator from Kennebec, Senator Kany, the Governor of this State, Governor John McKernan, and a host of others that fought for solid waste management early in the 1970's. Here we are, ready to meet the year 2000, listening to the same old arguments over and over again. I hope you will vote for the Majority Report, the eleven to two Report, out of the Energy and Natural Resources Committee. Thank you.

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

Senator TITCOMB: Thank you Madam President. Madam President, men and women of the Senate. Having participated myself a little bit in some of the goings on in the Energy and Natural Resources Committee, I must commend them for the many hours, the endless hours, of work that they put forth on this Bill. As I looked at the number of Bills that various Committees covered this Legislative year, it seems like this Committee was especially burdened with not only many Bills, but very difficult Bills.

I haven't seen too many Bills this year that were perfect. I haven't seen too many Bills that we have voted on in these Chambers that were perfect. I am not standing up to say that I believe that this aspect of this Bill is perfect, that it is the best solution we can come up with, but frankly, I haven't heard another one that has been put forth that is the solution. What I have heard are proposals to delay, and to wait, and to put off, until another day when we might come up with a solution that is perfect. What I believe that this Bill does is take a very significant and very important step forward in a direction that we, being directed by our own environment, must take. A direction that appears our constituents are asking us to take and certainly that the economics of the waste business will mandate that we take. The Bill may not be perfect, but it is at hand. Are we going to wait, and wait, and wait, until we come up with a Bill that makes everyone happy and serves everyone's needs and many more years and many more tons of waste have gone before us, before we finally get the courage together to take another big step forward? I agree that the whole process of bits and pieces of this Bill did not satisfy everyone and I certainly can understand people's feelings and how they have come to feel the way they have, but I have to feel that this Committee, with the many hours of testimony they heard, has put together a Bill that is very important for us to support. I would ask you to do that. Thank you.

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

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. The good Senator from Franklin, Senator Webster, mentioned that in order to be in a positive parliamentary stance, in order, perhaps, to put us in non-concurrence with the House, that we would have to Adopt this Amendment and I would like to note that we have already Adopted an Amendment which was sponsored by the Senator from Kennebec, Senator Bustin. So, we are already in non-concurrence. If that was your goal and your only reason for wanting to vote for the Amendment sponsored by the Senator from Penobscot,

Senator Baldacci, then I urge you not to do so, because you have already done that.

Second, I would like to review what is contained within the Amendment sponsored by the Penobscot Senator. It is really a negating of a large portion of the expansion of the bottle bill. It would leave, intact, the expansion to distilled spirits, or liquor, but would not expand to juice or wine bottles. In addition, it would not allow an increase of one cent in the handling fee.

I would just like to speak briefly to the handling fee, since others, such as the good Senator from Aroostook, spoke to the expansion of the bottle bill itself. To the handling fee, why should we add one cent to the two cents currently there? For one thing, it has not been raised since 1980 and really that means that it has lost about forty percent of its worth during that period since 1980, so clearly has not kept up with inflation. Second, about fifty percent of our beverage containers, under the current bottle bill, are picked up by our redemption centers and many of them, with only the two cents per container, are almost on the verge of going out of business and I believe it is everyone's interest to try to keep them there. Third, we hope to even expand the profusion of redemption centers by encouraging municipalities and groupings of municipalities to have redemption centers and we would allow that and they could use that three cents to pay their employees to do some sorting. So, it would encourage that, something that is not now done by municipalities and not authorized under the current law. So, those are some of the reasons. A final positive reason is it would help those small "mom and pop" stores too, because they would get that extra cent per container for handling fee. It would help them because they would get that, and in addition, it also helps those who choose not to collect, because it would keep some of the redemption centers in business. So, I think there are many reasons why that single cent in the handling fee is a positive and important element in this overall attempt to encourage more recycling. I just wanted to go into that a little bit.

Finally, Senator Baldacci of Penobscot, has mentioned feeling pushed into, perhaps, supporting a comprehensive package to deal with our solid waste crisis. If there is any pushing being done, I guess I would assert that it is coming from the public, from the folks back home. We have heard about the polls in which last October the Capitol News Service said that seventy-five percent of the public supported the expansion to include juice, wine, and liquor bottles.

Many of you have handed me some of your results from your questionnaires, my own questionnaire found that eighty-two percent of my constituents, and there are about two thousand of them that returned my questionnaire, eighty-two percent supported that expansion. That is a huge number.

I was reading in the Kennebec Journal about Senator Weymouth saying, "the thing that bothers me on that is the people want recycling, but the lobbyist in the State House are holding it up." He also said that, "lobbyists are stalling the expansion of Maine's bottle bill to include wine containers. I think that the people are looking for the state to do something about solid waste." Senator Carpenter shared his sixty-nine percent expansion of the bottle bill, no, twenty-seven percent, with some undecided. Senator Titcomb, seventy-two percent for the expansion, Senator Clark, eighty percent of Senator Clark's constituents support the expansion, Senator Hobbins, seventy-eight percent support the expansion,

and I remember Senator Holloway and others shared their results, but I have to admit my filing system is not perfect, so I can't locate them at this moment. In other words, I am sorry to say that the leadership, or the shoving, is not coming from the Legislature on this issue. The leadership and perhaps the shove is coming from the folks back home and I urge you to defeat the pending motion which is Adoption of Senator Baldacci's weakening Amendment. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President. Madam President, men and women of the Senate. It is interesting to sit back here in the back row and look at the desks to my right and look at the desks to my left and know where the solid waste problem should really start as a solution as to the recycling of papers. I rise really tonight to compliment the members of the Energy and Natural Resources Committee in the package that they have provided us with for discussion. I, myself, have stood from this very chair in the past and talked about the solid waste problem. I think I have shared with this Chamber before that, some know and some don't, I sponsored the legislation that created MURC and PURC, because we had a solid waste problem and we attempted to do something and move forward in that area of trying to find some type of resolution to the landfills that were threatening and endangering the ground water that we have in this state.

I am perplexed to the point where a number of individuals have stood in this Chamber and talked about those who are offering amendments and to their intentions and to the process. The political process allows all one hundred and eighty-six members of the Legislature to participate in that process. To those who do not have the luxury of serving on a Committee, that process is when these proposals hit the floor and numerous amendments which some who have talked about at least a question as to why amendments are being proposed and talked about. The document may not be perfect, but we need to go with people who, themselves, have seen a document that they do not like, but offered amendments and attempted to change it. Sometimes we win, sometimes we lose, and the process survives and I think the people of this state are well-served in that process.

As I looked at the proposal the other night, I had a number of concerns, some of which have been answered, some which have not been answered. Some that I still have concerns in trying to represent my constituency. I have spent a fair proportion of the day bouncing between the Human Resources Committee talking about the AMHI situation, having several people stop and talk to me about this Bill and others talking about the budget and the adjournment of the session, and it has been difficult to get all of the answers that I want for this Bill. To feel that the Bill, itself, in its entirety is a perfect document, or does it best represent what is advantageous to the people who I represent. I know the situation in the large rural district that I have, that this Bill is important to them. I want people to understand that just because somebody supports and amendment to the Bill, doesn't mean that they are attempting to kill the whole document, because we understand the significance and the importance of that to those people who we represent.

I spent part of the day talking to several of my town managers who received a call from the lobby to say call your Senator and tell him to vote for the Bill. In each one of those calls, I said, "tell me, what is in this Bill?" They said, "I don't know, but

we were told that it is important for us, so we are calling you up to tell you that we need that Bill." I asked them if they were aware about the concerns that some members had in reference to liquor pricing, to make the Bill revenue neutral, that you will establish a liquor price to cover the handling costs in all state liquor stores, except for Kittery. That the stores in northern Maine, rural Maine, will increase their prices so that Kittery can keep an equal price to what it has today, but all of the other stores will have to raise their prices. I don't think that is fair to the constituents that I represent. They want to solve the solid waste problem too. I am sure that they, overwhelmingly, like the Senator from Kennebec, Senator Kany, mentioned that several members of this Chamber want to see a solution to that problem, but it has to be a proper solution and you have to have, and obviously one member of this Chamber who probably has stood more in their legislative history to let the sun shine in, and let an open process take place, has been the Senator from Kennebec, Senator Kany, the sponsor, the advocator of the Administrative Procedure Act. Every time there is an amendment added to it, everyone checks with Senator Kany to see that it is protected.

But, here we have a Bill that is going through and is being rather protected and guarded. Nobody wants anybody to really talk about all of the concerns that are really in there. Senator Kany has been available to talk about those concerns and is probably more knowledgeable than anyone else in the Chamber, but most of the members have been very busy in other areas and concerns. I, personally, run a small business and the handling fee would be advantageous to me as a small businessman in a class. I don't know if my son would be very happy about the fact that there may be more bottles for him to do. As the Senator from York, Senator Dutremble, stood here the other day and talked about when he was a boy, I also did that as a boy, and my son now carries on that same tradition.

I am perplexed at several things I see as I read through here and am curious as to the concerns of the payment in lieu of taxes, which have been debated on other issues. When we debated prisons in the past, we debated the location of the Capitol being in Augusta, the Universities in the various communities. I am concerned about transfers of revenues from a department so we can pay for this so there is no fiscal note on it. The type of tactic that the Senator from Penobscot, Senator Pearson, and other members of the Appropriations Committee have taken a great amount of heat from members of the Legislature for using the budget for similar types of tactics to fund or to take care of something that really shouldn't have been done in those committees. I hear the concerns of those who serve of the Business Legislation Committee to the recycling costs that is now being tendered in the amendment that the Senator from Penobscot, Senator Baldacci, has offered for consideration. I am not happy with what that Amendment does, but I want the members to know and I want the public to know that to spite how any individual votes on these various amendments, that it is the final vote that really counts. Are they for the Bill or against the Bill, not if they are for the various amendments. Sure, there are special interest in this back row of benches here, some of them have an interest in seeing the increase in handling fees, or others who are more interested or concerned about the solid waste solution provisions of this and not the returnable bottle provisions, but they all have their own particular interest.

The concerns that I have to the State of Maine and to the citizens that I represent, is do we put the very best document out into statute and do we address it properly? I am concerned when I see dates effective almost a year and a half from now. Are we being premature in passing today effective days that far into the future? If it is that much of a problem, why aren't we making it effective sooner?

I do want to express my appreciation to the Senator from Kennebec, Senator Kany, who has earlier on this evening, sat down in a Democratic caucus and responded to my concerns about a number of areas. One last one that I would like to have on the Record because I would hope that it would be clearly stated, because it doesn't say it in the Bill, is in reference to the liquor handling fees. My concern there is representing a large rural district that we have a margin percentage that if a liquor store does not make a certain percentage, then the state can close it down. A lot of people in my district like to see the state run the liquor stores, and I would like some type or assurance, on the Record, that this Bill and the requirements that those northern rural small communities that do have these types of facilities, that if the margin of operation decreases, because of the handling cost, that those stores are not going to be closed down because of other provisions of law. I think they are going to be.

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

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. I thought that I would address a couple of things that our Senate President, President Pray from Penobscot, said and that is the only reason I rise, I will try to be very brief.

One is having to do with agency liquor stores and the liquor stores. Certainly, it is not our intent at all to drive any of them out of business. In fact, knowing the people of Maine and knowing the people of Penobscot County and Piscataquis County, that Senator Pray of Penobscot represents, I have a feeling that the liquor sales are not going to go down up there at all. I will say that I am sure that is true throughout the rest of the state too. In fact, I was surprised to see that Maine was one of the few states in the country in which just recently the sales of alcohol and distilled spirits, liquor, has risen recently and that is really why I said that. The deposit will be on top of the price and I believe that those agency stores and the liquor stores will basically be able to use that float. In other words, deposits that are not returned and for many of their expenses, it may turn out to be a very positive thing there.

Some of the other things that Senator Pray, of Penobscot, mentioned I believe have already been addressed and I don't really want to go all the way through them, but if there are items in the future that the Legislature decides should be changed, of course, we will change them. When you do have major legislation, such as this is, you can expect that it will be refined in the future and, of course, we will be open to such refinements. One of the reasons we have differing starting dates is because we wanted to insure a time frame so that something could be put into place, such as the ban on connectors in which was are allowing two full years for those involved and their manufacturing, marketing, and distribution to be able to work with that. We are starting the liquor portion of the expanded bottle bill in January, because we thought it would be relatively easy, they didn't need a great deal of time to

implement that system. Then we were waiting until the following September for the further expansion. So, there are reasons for varying dates, in which we were trying to give the appropriate time in order to implement the system. I just want to remind you what this particular Amendment does, it deletes the expansion of the bottle bill other than for distilled spirits, that would still be in the Bill. It also deletes the one cent increase in the handling fee. I urge you to vote against the pending motion.

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

Senator BUSTIN: Thank you Madam President. Madam President, men and women of the Senate. I debated whether I was going to enter this debate, but apparently I can't resist it. I don't and I do want to vote for this Amendment. I don't want to vote for this Amendment because it has in it the deletion of the one cent handling fee and I am committed to a one cent handling fee. I think it is wrong for this handling fee to be in this particular Amendment, I think this is the wrong vehicle for it. It is not properly, in my estimation, before this Body, it should have had its own vehicle for that, because what that handling fee deals with is a litter problem. A litter problem on our highways that is very effectively dealt with. It is a completely different product, a completely different concept of what we are talking about.

The reasons that I kind of like it is because I finally get a better sheet factor, that is the float that you hear about, because if we just have the liquor bottles that come back into the state liquor stores, there is no where for that float to do, so I kind of like that to be able to get a hold of that, but that is not really a reason to vote for the Amendment either.

The reasons that I would vote for the Amendment is to send a message, and I hope those people who are listening, listen to that. It is to send a message. We need compromise here, we need to come out with a very good solid waste management Bill and, in fact, we do need to bite that bullet, but the bullet is asking me, the consumer, to do something about my trash in my home. That is what we are talking about. Instead what you are saying to me is that I should then take that trash back to the store where I bought it and ask them to take care of it for me. Well, traditionally, what we have done is have somebody pick it up at our home and take it to a dump, that is what we have done. Now, you want me to go and take that trash to a store and that doesn't make a whole lot of sense to me. If we really want to bite the bullet on resource management, on recycling, you will ask me, the consumer, to do that in my home. You will ask me to do separation, that is what you will ask me to do and then you will set up the systems that will take care of that. You won't ask store owners to do that for you, that is inappropriate. That is what we are talking about here. Yes, bite the bullet, mandate source recovery, or source separation. Start with that, that is what is really recycling, that is what is really biting the bullet on solid waste management. Let's do that and let's also deal with that one cent handling fee for the people who are helping us clean up the litter on our highways. That is the way that I think is responsible, that my vote on this Amendment is to send a message that I want something done and I want to compromise and I think it is time we started putting ourselves in that posture.

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

Senator BRAWN: Thank you Madam President. Madam President, men and women of the Senate. I concur with the good Senator from Kennebec, Senator Bustin. I don't agree totally with this Amendment tonight, but in the interest of continuing discussion of this complex issue, I am voting for this Amendment. It is my understanding that passing this Amendment is a vehicle for us to continue discussion and reach compromise. I do, however, hope it will be noted for the Record that there are still many questions about this bottle bill, but I also want it noted that I do not want to see this whole solid waste Bill die. I, too, wish to add high commendations to the Energy and Natural Resources Committee and I do hope that we can all work together so that the best concerns for the citizens of the State of Maine will be worked out. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BALDACCIO of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640).

A vote of Yes will be in favor to ADOPT Senate Amendment "B" (S-356) 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 BALDACCIO, BERUBE, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, GILL, GOULD, PERKINS, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

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 BALDACCIO of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640), FAILED.

On motion by Senator WEBSTER of Franklin, Senate Amendment "G" (S-384) to Committee Amendment "A" (H-640) READ.

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

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. Senator Webster's Amendment would keep the handling fee the same and would not allow that one cent to go to the "mom and pop" store back home, or to the redemption centers, or would it encourage others to join and become a redemption center, remembering that fifty percent of our containers under the current bottle law now are taken up by those redemption centers. If you think the small stores have a problem now, then think what they might have if you do this and the redemption centers go out of business and they don't get any more money. That would really hurt those little stores.

Senator KANY of Kennebec requested a Division.

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

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. What this Amendment does is it eliminates a seven million dollar tax on the consumers of this state. Currently, as you know, when an individual takes their bottles back to the store, to the redemption

center, they receive their nickel back. The gentleman who owns the redemption center receives a two cent handling fee. I have some problem with even the idea that we ought to be giving a handling fee, but I surely don't want the government subsidizing anybody. It seems to me that if I bring in a bottle to you and you give me back a nickel, and you get seven cents, that is a forty percent return. I run a business and many people in this Chamber run a business and I will tell you that is a pretty good place to start with a forty percent return. If you raise it a penny you are going to give them a sixty percent return on their money. It seems to me that this Legislature has shown great wisdom year, after year, after year, when it comes to raising this fee. Raising it several years ago, as the good Senator from Cumberland, Senator Brannigan, has said, from one cent to two cents, I believe made sense. To be honest with you, there is actually competition in this business. In my area of the state, as a matter of fact, the town I live in, there are two of these places and both of these people happen to be supporters of mine, they may not be after tonight, but they sure are up to this point. These people run a business, they have overhead, they have costs that go up, but it seems to me that when we pass this solid waste Bill, what we are going to be doing is increasing their volume, which means they are going to be handling more money and still receiving a forty percent return.

My real concern here is that we are talking a tax. It may not be the kind of tax that we normally talk about here, but the consumers of this state are going to pay and I will tell you something I don't believe that those bottles out there are just going to charge a penny, I think they are going to charge two or three cents. So, the consumers are going to pay more, and more, and more every time you pass a law like this. This is one of the offensive things that I find in this Bill and I could talk about the other ones, but that isn't appropriate since we are not discussing that. It seems to me that this Bill should not contain this particular section. We have dealt with this issue over and over again and the Legislature has consistently said we don't need this. I am offended and I don't like the idea of being wrapped into this Bill, so I ask you to help me by voting to separate this section out of the Bill. Thank you.

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

Senator DUTREMBLE: Thank you Madam President. Madam President, men and women of the Senate. I have been voting all along with the amendments that the good Senator from Penobscot, Senator Baldacci has been putting in to do away with the expansion of the bottle bill, but I understand that is a battle we have lost and know we have to move on with the solid waste package. If those bottles are to be included, then by all means we have to make sure that it works.

Even though I was opposed to that part of the Bill, now that the Senate and I am sure the House will agree have gone ahead and put that part in, we have to make sure that the thing works. I don't really want to be responsible for having a part of a bill that goes out there and fails either. So, I will not be supporting this Amendment, I will be supportive of making sure this whole program works.

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

Senator TITCOMB: Thank you Madam President. Madam President, men and women of the Senate. When the bottle bill was first set into motion, and I am not looking at some of the bigger redemption centers,

I am thinking about down home in my district, it was many people, home town people, who started their own small businesses of redemption. In my communities some of these redemption centers are made up of a dozen or half a dozen people, wives, kids after school, who have either a part-time or full-time job doing all the doings that go on in a redemption center. I have been down and I have gone through some of them, because some of them, frankly, are owned by friends. These people are busy all day long doing all the things that have to be done at these redemption centers. There aren't idle hours, they put in their hours and they earn their money. If we increase the volume of the bottles, which of course I am in great support of, if we increase the volume, we are going to have to do something to provide for the extra hands that are going to be needed and perhaps the extra storage space that is going to be needed to take care of this added volume. I support the increase, I feel that these redemption centers deserve it and I believe they are going to have the extra work on hand so they are going to earn it. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to ADOPT Senate Amendment "G" (S-384) to Committee Amendment "A" (H-640).

A Division has been requested.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to ADOPT Senate Amendment "G" (S-384) 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.

2 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to ADOPT Senate Amendment "G" (S-384) to Committee Amendment "A" (H-640), FAILED.

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

Senator PEARSON: Thank you Madam President. Madam President, men and women of the Senate. I would like to pose a question to the Chair of the Energy and Natural Resources Committee, if I may please.

Is it true that the state landfill siting agency proposed in this legislation will not have any jurisdiction over licensing or relicensing of the MURC and PURC landfill in township thirty? That the landfill project continues to be exempt from the definition of commercial solid waste disposal facility under this legislation?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. Yes, it is true.

Senator BUSTIN of Kennebec moved to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec, to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES.

A Division has been requested.

Will all those Senators in favor of the motion of Senator BUSTIN of Kennebec, to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES, 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 27 Senators having voted in the negative, the motion of Senator BUSTIN of Kennebec, to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES, FAILED.

Committee Amendment "A" (H-640) as Amended by House Amendments "D" (H-661) and "E" (H-663) and Senate Amendment "J" (S-397) thereto, ADOPTED in NON-CONCURRENCE.

THE PRESIDENT PRO TEM: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is PASSAGE TO BE ENGROSSED in NON-CONCURRENCE.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED AS AMENDED.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, PRAY, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEYMOUTH, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

MAYS: Senator WEBSTER

ABSENT: Senators None

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, with No Senators being absent, the Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Require Liquor Sellers' Permits"

S.P. 151 L.D. 271

Have had the same under consideration and ask leave to report that the House Recede from its action

whereby it Indefinitely Postponed Bill and Accompanying Papers; Indefinitely Postpone Committee Amendment "A" (S-265); Read and Adopt Conference Committee Amendment "A" (H-685) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-685) in Non-Concurrence

That the Senate Recede and Concur with the House.

Signed on the part of the House:

Speaker MARTIN of Eagle Lake

Representative MCGOWAN of Canaan

Representative MARSH of West Gardiner

Signed on the part of the Senate:

Senator MATTHEWS of Kennebec

Senator BALDACCI of Penobscot

Senator DILLENBACK of Cumberland

Comes from the House with the Conference Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-685).

Which Report was READ and ACCEPTED, in concurrence.

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 a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing

H.P. 1000 L.D. 1389

(H "B" H-671 to C "A"

H-617)

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 Authorize a General Fund Bond Issue in the Amount of \$49,500,000 for Construction and Renovation of Correctional Facilities"

S.P. 608 L.D. 1702

(C "A" S-332)

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 in NON-CONCURRENCE.

In Senate, June 20, 1989, Bill and Accompanying Papers COMMITTED to the Joint Select Committee on CORRECTIONS in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

On motion by Senator BUSTIN of Kennebec, the Senate INSISTED AND JOINED IN A COMMITTEE ON CONFERENCE.

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

Senator PRAY of Penobscot

Senator BUSTIN of Kennebec

Senator PERKINS of Hancock

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 Clarify the Definition of Seasonal Workers under the Workers' Compensation Law" S.P. 550 L.D. 1521 (S "A" S-321 to C "A" S-293)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293) AS AMENDED BY SENATE AMENDMENT "A" (S-321) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293) AS AMENDED BY HOUSE AMENDMENT "A" (H-637) thereto, in NON-CONCURRENCE.

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:

An Act to Establish the Department of Families and Children

H.P. 1199 L.D. 1666
(H "B" H-658 to C "A" H-621)

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 the Maine Income Tax Laws

H.P. 124 L.D. 161
(S "A" S-394 to C "A" H-674)

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 had posed a question through the Chair to the good Senator from Cumberland, Senator Andrews, earlier in the evening regarding this L.D. My question was, it was my understanding that in the third or fourth out year this legislation resulted in a tax increase. Is that correct?

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

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. The proposal that we have before us will take care of the windfall problem for this year and for next year. It will also continue on in that way with a negative collection of taxes through the following year.

We asked the consultant firm to speculate what they felt the economy of Maine would be in 1992 and beyond, and as part of that they speculated that it could, with many assumptions, mean that the negative increase could turn at the point of 1992 to a positive. They speculated that it would go as high as 4.4 million in 1992. I should hasten to say that the figure is based upon a series of assumptions and speculations of what the economy and what our tax system will be like in 1992. I would also suggest that if we are interested in neutrality, like I think we all certainly are, and in 1991 or 1992 those assumptions prove to be correct, we can simply change the rates so that nothing will change. The important

point is that we can change the rates and adjust those rates on the basis of a system and a structure that works. Thank you.

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

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators None

20 having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the 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 to Respond to Recommendations Proposed by the Blue Ribbon Commission on the Regulation of Health Care Expenditures

S.P. 348 L.D. 920
(C "A" S-326)

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

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

ORDERS OF THE DAY

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

Bill "An Act Regarding Governmental Ethics"

H.P. 1282 L.D. 1773
(HGH-684; SDS-395;
SAS-385)

Tabled - June 21, 1989, by Senator HOBBS of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, June 21, 1989, the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) READ and ACCEPTED, in concurrence. House Amendment "F" (H-683) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "G" (H-684) READ and INDEFINITELY POSTPONED. Subsequently RECONSIDERED and ADOPTED. House Amendment "H" (H-686) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. Under suspension of the Rules, READ A SECOND TIME. Senate Amendment "D" (S-395) READ and ADOPTED. Senate Amendment "A" (S-386) READ and ADOPTED.)

(In House, June 21, 1989, the Majority OUGHT TO PASS (H.P. 1282) (L.D. 1773) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "F" (H-683), "G" (H-684), AND H (H-686).)

On motion by Senator HOBBS of York, Senate Amendment "F" (S-400) 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 would prohibit the acceptance of honoraria by Legislators and Executive Branch officials. Acceptance of a honorarium would be subject, under the provisions of this Amendment, to a civil penalty not to exceed twice the value of the honorarium which would have been received. If you look at the Amendment you will see that the definition of a honorarium has been strictly defined. A honorarium for the purpose of this Bill does not include first of all, reimbursement for any actual and necessary travel expenses incurred by the executive employee or an aide or a Legislator in connection with the appearance of speech. Secondly, this honorarium does not include a payment for an appearance of speech if the appearance of speech is unrelated to the person's official capacity or duties as an executive employee or a Legislator acting in his or her official capacity.

I want to commend the Committee that handled this, especially the good gentlelady from Androscoggin, Senator Berube, who worked very hard in putting out, I believe a very good revision of our ethics laws. I believe that this Amendment will only strengthen that law.

On motion by Senator HOBBS of York, 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 HOBBS of York, to ADOPT Senate Amendment "F" (S-400).

A vote of Yes will be in favor of ADOPT Senate Amendment "F" (S-400).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators None

ABSENT: Senators None

35 Senators having voted in the affirmative and No Senators having voted in the negative, with No Senators being absent, the motion by Senator HOBBS of York, to ADOPT Senate Amendment "F" (S-400), PREVAILED.

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

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

H.P. 949 L.D. 1317

(C "A" H-544)

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

Pending - FURTHER CONSIDERATION

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

(In House, June 20, 1989, 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, the Senate RECESSED 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:

An Act Relating to the Director of the Bureau of Health

S.P. 379 L.D. 1015

(H "A" H-407 to C "A"

S-146)

An Act to Revise the Communicable Disease Law

H.P. 1122 L.D. 1554

(H "A" H-609 to C "A"

H-408; H "A" H-659)

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 Encourage Industry to Maintain and Modernize Machinery and Equipment

H.P. 461 L.D. 626

(C "A" H-677)

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON 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 to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife

H.P. 895 L.D. 1239

(H "A" H-626; S "A"

S-385 to C "A" H-615)

This being an Emergency Measure and having

received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Correct Errors and Inconsistencies in the Laws of Maine

S.P. 594 L.D. 1671
 (S "A" S-360; S "B" S-361; S "C" S-362; S "D" S-363; S "E" S-364; S "F" S-365; S "G" S-366; S "H" S-367; S "I" S-368; S "J" S-369; S "K" S-370; S "L" S-371; S "M" S-372; S "N" S-373; S "O" S-374; S "P" S-375; S "Q" S-376; S "R" S-377; S "S" S-378 to C "A" S-344)

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.

Under suspension of the Rules, all matters thus acted upon, with the exception of those items being held, were ordered sent forthwith.

HELD BILL

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

Senator ANDREWS: Thank you Mr. President. Is the Senate in possession of L.D. 603?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

Senator ANDREWS of Cumberland, moved that the Senate RECONSIDER whereby it ADHERED on:

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 "B" S-347; S "C" S-352 to C "B" H-633)

(In Senate, June 21, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633) AS AMENDED BY SENATE AMENDMENTS "B" (S-347) AND "C" (S-352) thereto, in NON-CONCURRENCE.)

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

(In House, June 21, 1989, that Body ADHERED.)

On motion by the Chair, Tabled Unassigned, pending the motion of Senator ANDREWS of Cumberland, to RECONSIDER whereby the Senate ADHERED.

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

COMMITTEE REPORTS
 Senate
 Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals"

H.P. 481 L.D. 661

Have had the same under consideration and ask leave to report that the Senate Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-308) thereto, in Non-concurrence.

The Senate Recede from Adoption of Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-308) thereto.

The Senate Recede from Adoption of Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563). Indefinitely Postpone Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563).

Read and Adopt Conference Committee Amendment "A" (S-402) to Committee Amendment "A" (H-563).

Adopt Committee Amendment "A" (H-563) as Amended by Conference Committee Amendment "A" (S-402) thereto.

Pass the Bill to be Engrossed as Amended by Committee Amendment "A" (H-563) as Amended by Conference Committee Amendment "A" (S-402) thereto, in Non-concurrence.

The House Recede and Concur with the Senate.

Signed on the part of the Senate:

Senator CLARK of Cumberland
 Senator BALDACCI of Penobscot
 Senator GILL of Cumberland

Signed on the part of the House:

Representative CARROLL of Gray
 Representative RUHLIN of Brewer
 Representative MURPHY of Berwick

Which Report was READ and ACCEPTED.

The Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

The Senate RECEDED from ADOPTION of Committee Amendment "A" (H-563) as Amended.

The Senate RECEDED from ADOPTION of Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563).

Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563) INDEFINITELY POSTPONED.

Conference Committee Amendment "A" (S-402) to Committee Amendment "A" (H-563) READ and ADOPTED.

Committee Amendment "A" (H-563) as Amended by Conference Committee Amendment "A" (S-402) 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.

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

PAPERS FROM THE HOUSE
 Non-concurrent Matter

Bill "An Act Regarding Governmental Ethics"

H.P. 1282 L.D. 1773

(H "G" H-684; S "A"

S-386; S "D" S-395; S

"F" S-400)

In House, June 21, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "F" (H-683), "G" (H-684) AND "H" (H-686).

In Senate, June 21, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "G" (H-684) AND SENATE AMENDMENTS "A" (S-386), D (S-395) AND "F" (S-400) in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

The Senate INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE.

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

Senator HOBBS of York
Senator CLARK of Cumberland
Senator PERKINS of Hancock

On motion by Senator ESTES of York, ADJOURNED, pursuant to the Joint Order, until Thursday, June 29, 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
90th Legislative Day
Thursday, June 29, 1989

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Bruce Hudson, Highland Avenue United Methodist Church, Gardiner.

Pledge of Allegiance.

The Journal of Thursday, June 22, 1989, was read and approved.

Quorum call was held.

At this point, Conan Higgins from Waterville, representing Boys State, was escorted to the rostrum.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) (L.D. 661) have had the same under consideration and asked leave to report: that the Senate Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-308) thereto in non-concurrence.

The Senate Recede from Adoption of Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-308) thereto.

The Senate Recede from Adoption of Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563). Indefinitely Postpone Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563).

Read and Adopt Conference Committee Amendment "A" (S-402) to Committee Amendment "A" (H-563).

Adopt Committee Amendment "A" (H-563) as Amended by Conference Committee Amendment "A" (S-402) thereto.

Pass the Bill to be Engrossed as Amended by Committee Amendment "A" (H-563) as Amended by Conference Committee Amendment "A" (S-402) thereto, in non-concurrence.

The House Recede and Concur with the Senate.

(Signed) Senator CLARK of Cumberland, Senator BALDACCI of Penobscot, Senator GILL of Cumberland - of the Senate.

Representative CARROLL of Gray, Representative RUHLIN of Brewer, Representative MURPHY of Berwick - of the House.

Came from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-563) as amended by Conference Committee Amendment "A" (S-402) thereto in non-concurrence.

Report was read and accepted.

The House voted to recede and concur.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
June 22, 1989

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today Insisted and Joined in the Committee of Conference on Bill "An Act Regarding Governmental Ethics" (H.P. 1282) (L.D.