

MAINE STATE LEGISLATURE

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

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
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FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

JOINT RESOLUTION RECOGNIZING MARCH 10, 1990
AS TIBET DAY

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

WHEREAS, the Dalai Lama was awarded the Nobel Peace Prize in 1989 for his nonviolent struggle for freedom for Tibetans who have been under Chinese tyranny since 1951; and

WHEREAS, there are 300,000 Chinese troops in Tibet; and

WHEREAS, since their occupation in Tibet, the Chinese have committed numerous atrocities against the people and natural resources of Tibet, including causing the deaths of over 1,200,000 Tibetans; subjecting Tibetan women to mandatory sterilization and forced abortions; imprisoning thousands of religious and political persons; irreversibly destroying Tibet's natural resources and fragile ecology including extermination of many species of wildlife, deforestation and soil erosion; destroying over 6,000 monasteries housing irreplaceable works of art and literature, which were destroyed, sold or taken out of Tibet; and using Tibet as a nuclear waste dumping ground; and

WHEREAS, on March 10, 1990, Tibetans throughout the world will gather in their host countries to commemorate the 31st anniversary of the Tibetan national uprising against the Chinese occupation of their country and honor more than 1,000,000 Tibetans who have died in their struggle for the independence of Tibet; and

WHEREAS, ongoing human rights abuses in Tibet are deplorable and must be denounced by all civilized nations; and

WHEREAS, the suppression of human rights and freedom in Tibet must be the concern of all freedom-loving people everywhere; and

WHEREAS, the Tibetan Cultural Center of Old Town and the Maine and New Hampshire Friends of Tibet are working to increase awareness of the plight of Tibetans among people in Maine; and

WHEREAS, it is fitting to recognize the Tibetan community and its plea for justice on this 31st anniversary of Tibetan National Day; and

WHEREAS, the people of Maine respectfully urge Nobel Laureate Dalai Lama to honor Maine with a visit during his stay in America; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize March 10, 1990 as Tibet Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Dalai Lama.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

On motion of Representative Cote of Auburn,
Adjourned until Friday, March 9, 1990, at twelve o'clock noon.

In Senate Chamber
Thursday
March 8, 1990

Senate called to Order by the President.

Prayer by Father Louis Berube of the Holy Family Catholic Church in Sanford.

FATHER LOUIS BERUBE: You have shown Your love for us in the beauty and diversity of Your creations. We give You praise, we give You thanks.

On this beautiful day, we thank You particularly for the gift of life and all the freedoms of our land.

We do not forget, nor overlook the peoples of other lands and nations that You call us to consider in the human family.

We pray Your special blessings this day on every member of the Senate of Maine, on their families and their constituents. May our gratitude make us more worthy of Your continued protection. Amen.

Reading of the Journal of Tuesday, March 6, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Revise the Medical Examiner Act"

H.P. 905 L.D. 1262

(C "B" H-788)

In Senate, February 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "A" (H-885) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers"

S.P. 843 L.D. 2162

In Senate, February 20, 1990, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-881) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (Emergency)

H.P. 1660 L.D. 2300

In Senate, February 16, 1990, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-818) AND "B" (H-880) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

SENATE PAPERS

Bill "An Act to Extend the Reporting Date of the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards" (Emergency)

S.P. 952 L.D. 2414

Presented by Senator GAUVREAU of Androscoggin
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Committee on HUMAN RESOURCES suggested and
ORDERED PRINTED.

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

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

Joint Resolution

On motion by Senator HOBBS of York (Cosponsored
by: Senator BOST of Penobscot, Senator PEARSON of
Penobscot, Representative CASHMAN of Old Town) the
following Joint Resolution:

S.P. 953

JOINT RESOLUTION RECOGNIZING MARCH 10, 1990

AS TIBET DAY

WHEREAS, the Dalai Lama was awarded the Nobel
Peace Prize in 1989 for his nonviolent struggle for
freedom for Tibetans who have been under Chinese
tyranny since 1951; and

WHEREAS, there are 300,000 Chinese troops in
Tibet; and

WHEREAS, since their occupation in Tibet, the
Chinese have committed numerous atrocities against
the people and natural resources of Tibet, including
causing the deaths of over 1,200,000 Tibetans;
subjecting Tibetan women to mandatory sterilization
and forced abortions; imprisoning thousands of
religious and political persons; irreversibly
destroying Tibet's natural resources and fragile
ecology including extermination of many species of
wildlife, deforestation and soil erosion; destroying
over 6,000 monasteries housing irreplaceable works of
art and literature, which were destroyed, sold or
taken out of Tibet; and using Tibet as a nuclear
waste dumping ground; and

WHEREAS, on March 10, 1990, Tibetans throughout
the world will gather in their host countries to
commemorate the 31st anniversary of the Tibetan
national uprising against the Chinese occupation of
their country and honor more than 1,000,000 Tibetans
who have died in their struggle for the independence
of Tibet; and

WHEREAS, ongoing human rights abuses in Tibet are
deplorable and must be denounced by all civilized
nations; and

WHEREAS, the suppression of human rights and
freedom in Tibet must be the concern of all
freedom-loving people everywhere; and

WHEREAS, the Tibetan Cultural Center of Old Town
and the Maine and New Hampshire Friends of Tibet are
working to increase awareness of the plight of
Tibetans among people in Maine; and

WHEREAS, it is fitting to recognize the Tibetan
community and its plea for justice on this 31st
anniversary of Tibetan National Day; and

WHEREAS, the people of Maine respectfully urge
Nobel Laureate Dalai Lama to honor Maine with a visit
during his stay in America; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred
and Fourteenth Legislature, now assembled in the
Second Regular Session, take this occasion to

recognize March 10, 1990 as Tibet Day; and be it
further

RESOLVED: That suitable copies of this
resolution, duly authenticated by the Secretary of
State, be transmitted to the Dalai Lama.

Senate at Ease

Senate called to order by the President.

Which was READ and ADOPTED.

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on MARINE RESOURCES on Bill "An Act
Regarding the Testing of Closed Clam Flats"

H.P. 1528 L.D. 2113

Senate

Leave to Withdraw

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

Senator BERUBE for the Committee on STATE AND
LOCAL GOVERNMENT on Resolve, to Implement the Final
Report of the Commission on Maine's Future

S.P. 944 L.D. 2392

Senator BERUBE for the Committee on STATE AND
LOCAL GOVERNMENT on Bill "An Act to Institutionalize
Strategic Planning in State Government"

S.P. 950 L.D. 2400

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND
INSURANCE on Bill "An Act to Ensure the Proper
Delivery of Insurance Benefits"

S.P. 859 L.D. 2195

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-562).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-562) READ and ADOPTED.

Senate at Ease

Senate called to order by the President.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Senator MATTHEWS for the Committee on LEGAL
AFFAIRS on Bill "An Act to Increase the Penalty for
Desecration of a Cemetery"

S.P. 719 L.D. 1894

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-560).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-560) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Senator PRAY for the Committee on UTILITIES on Bill "An Act Concerning Public Utilities"

S.P. 761 L.D. 1986

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-561).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-561) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code"

H.P. 1606 L.D. 2219

Bill "An Act to Amend the Maine Liability Risk Retention Act"

H.P. 1669 L.D. 2310

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

House As Amended

Bill "An Act Allowing Day Care Centers to Use Cloth Diapers"

H.P. 1347 L.D. 1864

(C "A" H-863)

Bill "An Act to Increase the Effectiveness of the Handicapped Parking Laws"

H.P. 1472 L.D. 2057

(C "A" H-862)

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

Senate As Amended

Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (Emergency)

S.P. 496 L.D. 1370

(C "B" S-552)

Bill "An Act to Increase the Capacity of the State to Provide Mental Health Services"

S.P. 861 L.D. 2210

(C "A" S-557)

Bill "An Act to Prohibit the Development of Spaghetti-lot Subdivisions" (Emergency)

S.P. 899 L.D. 2289

(C "A" S-553)

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

Sent down for concurrence.

Resolve, to Establish the Commission to Study the Harness Racing Industry (Emergency)

S.P. 781 L.D. 2022

(C "A" S-556)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

ORDERS

Joint Resolution

On motion by Senator THERIAULT of Aroostook (Cosponsored by: Representative MARTIN of Van Buren, Representative PINES of Limestone, Senator CAHILL of Sagadahoc) the following Joint Resolution:

S.P. 954

JOINT RESOLUTION ON THE OCCASION OF INTERNATIONAL WOMEN'S DAY

WHEREAS, on March 8, 1990, the world celebrates International Women's Day; and

WHEREAS, this day is set aside to honor women around the globe and commemorates an 1857 march led by Clara Zetkin in New York City for female garment and textile workers; and

WHEREAS, this day was first proclaimed at an international conference of women in Helsinki, Finland in 1910; and

WHEREAS, this day, having originated in the United States, has been widely adopted and observed in other nations; and

WHEREAS, the State of Maine takes pride in the labor force of this State, 57% of whom are women; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine, now assembled in the Second Regular Session, are pleased to recognize the occasion of International Women's Day in 1990.

Which was READ and ADOPTED.

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate:

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

H.P. 1199 L.D. 1666

Majority - Ought to Pass as Amended by Committee Amendment "C" (H-820).

Minority - Ought Not to Pass.

(In House, March 2, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820).)

(In Senate, March 6, 1990, the Motion to ACCEPT the Minority OUGHT NOT TO PASS Report FAILED. Roll Call ordered on ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report.)

(In Senate, March 5, 1990, Reports READ.)

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. When we had stopped discussion on this issue the other night, it was my good seatmate and Senator from Cumberland, Senator Gill, who had just finished speaking in support of an Office for Children and Family Services.

I am in support of a Department of Children and Family Services, and that is the Majority Report, which is the item before you today.

I have been involved in children's and families issues for many years, from a variety of perspectives. I was involved in the family court decisions when I served with former Senator Jean Chalmers, unfortunately, that failed. I have served on the Corrections Committee for several years, and Chair the Juvenile Corrections Committee. My years of involvement in substance abuse issues are directly

caused by the devastation that drug and alcohol abuse bring to children and families. Any of you look around in any of your individual towns would see that devastation. I worked for the creation of a Children's Ombudsman. That Ombudsman is now on board and doing a very, very good job. In fact, we are going to have a Conference on Children and Family, just next week. I have been involved in trying to improve mental health services, as Chair of the Audit Committee, I have spent long hours hearing about the problems of our child protective services. In fact, we are setting up a pilot investigative team, if it gets approved by this legislature, which I think will go a long way toward helping families who are in trouble. Let me add that as an official "Nanny" to many in my district, I am personally committed to seeing we provide better and more comprehensive assistance to needy families and children. I suspect that many of you in this room receive the same kind of calls that I do, calls that come in at all hours of the day, from families in need, and from children who are in trouble.

In short, ladies and gentlemen of the Senate, I have a personal investment in seeing this Bill passed, as I know all of you do. Why? One reason is my concern and dismay that our current system fails children and families. It is difficult and frustrating for the average person to wade through the variety of agencies, bureaucracies, case workers, case work supervisors, transferred telephone calls, phone calls that are not returned, misinformation, and changing information, that goes along with trying to get help from state government. I believe this Bill would correct some of those problems, some...not all. This is not a panacea, no agency of government is a panacea to human problems. It will go a long way in helping us address those problems.

I also believe that consolidating the children and family services arms of five separate agencies of state government can only save money, reduce duplication, and improve services. And yes, I have been lobbied, I have been told how it is going to cost much more than anybody had anticipates.

Under our present system I don't think that it is going to, but I'll tell you what, it ought to cost much more than anyone anticipates, because we are not doing what we should for children, even with those five agencies. What this one agency will do is coordinate and consolidate the services that we are giving now. It will enable the Department of Human Services to coordinate better with the Parent Education Teams (PET), so that we can serve the state wards better, that we are not currently doing under the PET system now. We are working on that in the Audit Committee. We have to jump all over different departments in order to find out how to serve children. Because I Chair the Audit Committee, I run into those issues more, and more, and more. I run into those issues when constituents call me, because the absent parent, which we call the parent that is no longer living in the home, has in fact, sent the child support money to the state, but because of our system of government, it has not been recorded, it misses the month that it has to be recorded in, and the parent who is taking care of the child, loses in most instances, \$34. Well \$34 may not mean much to us, but it means one heck of a lot to that family and those children who need to have that \$34, perhaps to even buy school lunches. It isn't easy when you do that, it is a problem I have not been able to solve, and I have handled I can't tell you how many cases just this year on that very issue.

Our good Senator from Penobscot, and our good President of this Senate, Senator Pray, put in a Bill

to look at the Department of Human Services, and that Bill was withdrawn. Audit will look at that piece of it. The child support piece of it, because that is so important to families. That is one small piece. How much easier my job would be in Audit, if I could look at the child and family services issue as one issue, and not look at five different Departments. It is horrendous to me as a legislator, it is to be horrendous to those people who need the services.

When the good Senator from York, Senator Carpenter, was speaking the other day, he said the Bill will not stop the hurts. Of course it will not stop the hurts! Nobody ever expects that it will stop the hurts. What it expects is that we will be able to address those hurts more efficiently and to be able to help those families much faster. We need to have a cooperative venture here, we need to address this issue. It is an extremely important issue. I urge your support of the Majority Report. Thank you.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to ask you to vote against the pending motion, which is acceptance of the Majority Report.

Some of the reasons, which we debated the other day, and I hesitate to repeat myself from what I said the other day, I think the good Senator from Kennebec, Senator Bustin, raised some very good points today. I think that what happens is that we come down to a philosophical difference on our approach on how this should be done. There is nobody here who questions the need for focus on children and children services, and how those services are delivered. I did not list my activities in this Legislature, but I think they probably would be similar to activities that my good seatmate has been involved in. I, too, have been involved in many children issues throughout the years, and I am proud of the legislation that has come out of those issues.

The approach that we take is really crucial to me because I do want the focus in the Governor's office. I am really sure at this point, and I am open to suggestions, after we do some study, but I don't believe that putting a department in place and setting up a bureaucracy is going to provide those services that children need today. I think that if we had someone in the Governor's office who was a Commissioner level dealing with children's issues, and have the advisory board still maintain that we can't decide in a vacuum about which services will be moved, how those services will be provided to people, and who needs those services. Those decisions should not be done in a vacuum.

I must applaud my good seatmate because the other night she did meet with several people to try to come to a resolution of this situation, but it didn't work out. She called me later in the evening and said nothing had been achieved. But even the people that she met with were people who provided services out there and it was not the complete group of people who are interested in how children's services are provided.

I had mentioned the other day the Coalition on Children. There are a group that represents only a certain client group of people. Bob Freitz in the past Human Services Council, and I am not sure of the name of his present group, but Bob represents only a group of people, and the Departments were left out of this discussion, and I think they play integral part in this whole situation.

It is interesting to me in one hand, that we are ready to set up a new Department, right now, without

all the facts before us, when some people are recommending that we dismantle another Department. I don't see the consistency there at all. I think the advisory situation, looking at all of those programs, is crucial. I am willing to spend more money on children, but I want to know up front just exactly how much money it is going to be and how the problems are going to be delineated, because I want to make sure the right programs are in either a new Department, or whatever we want to call it, but that has not been determined as far as I am concerned.

Yesterday, for instance, the Education Committee had a Bill before us that was an innovative idea, brought about by a private group. It talked about foster care for children being provided in a village or cottages of eight children each with house parents involved in the daily care of those children. The concept sounds like a wonderful concept. I would like to explore that concept a little bit to see if that is something we want to look at in perhaps and take over as an option for the state to deal with foster children. I can't answer that question today, we heard some good testimony yesterday, we as a Committee would like to investigate that further, and yet we are talking about setting up a whole Department when we don't know just what we are going to move around, and who is going to be responsible, and how those services are going to be delivered. So there are so many open questions about setting up a whole new bureaucracy and what would go into that bureaucracy, that I would ask you to vote against the pending motion and consider something that may come along.

I do applaud Senator Bustin, because I think Senator Bustin and I feel the same way about children. I think the focus on them has been neglected in some areas, and I think we do really have to develop a plan of action so we can start to deliver the services so children will not fall through those cracks.

Representative Joseph's Bill, which we have before us now, there is no question in my mind that Representative Joseph feels the same that we do. I am sure that the Governor feels the same, and I wished that we could get rid of some of the bipartisan rhetoric and some of the partisan feelings and deal with children and how we can best approach solving the problems the children have.

It occurred to me coming up this morning, in the nursery rhyme Goldie Locks, Goldie Locks even knew the father's porridge was too much for her, and she knew that the mother's was not good enough for her, but she knew that the children's was just right. I think we should zero in on children and just what we can do for them and do it in bipartisan way. Thank you.

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

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair if I may?

THE PRESIDENT: The Senator may state his inquiry.

Senator CARPENTER: Thank you Mr. President. Under Section 9B of this L.D. there is a section "Termination of Duplicate Positions", and it states that this is based on a review of Management functions. The question is, what State Agencies were involved in this review, when was it done, and where is it now. As a Committee, we have never seen it. Thank you.

THE PRESIDENT: The Senator from York, Senator Carpenter has posed a question to the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. I am not sure exactly to what the good Senator from York, Senator Carpenter is referring, as I was not on the Committee, nor am as familiar with that Bill as I would have been had I been on the Committee. What I can respond as far as transition, to what I think the question is, and I am getting rid of some positions and how you do that, is that I remind the Body that during the Curtis years we did exactly these kinds of transitions, especially with Mental Health and Mental Retardation and Corrections. When we severed the that Department of Corrections from that Department. It is a process that worked extremely well then, and I suspect would work very well now.

While I am speaking, I would like to respond to some of the comments made from the good Senator from Cumberland, Senator Gill. She indicated that we needed to in effect study this issue again. I submit to you that we have studied this issue to death! We have studied this issue, and it has affected children adversely. Now is not the time to study. Now is the time to act. The way you act is put a Head on leading the ship. You put a Commissioner there, a person who is committed to the issue, who makes the transition, who has the authority, the statutory authority, to make those transitions. If you do anything less, you get less. You do not get children served in a cohesive, coordinated, cooperative manner. You still have the five Departments. We cannot afford that any longer in this state for children. We need to address the issue now. We have explored, and explored, and explored, and even when this Department is formed, and it will be, we will explore some more, because we should never, ever, ever stop exploring the needs of children. We should never stop delivering the services for children even though we disproportionately give money to children and not to adults. God forbid that we should do that! We may not be giving the amount that we should be now.

The good Senator from Cumberland, Senator Gill, also brought in partisan politics comments. Well, I guess it is partisan politics, unfortunately, isn't that too bad. Isn't it too bad that good people, with good hearts, good feelings, wanting to serve children, whatever their party in this state, have to do it in a partisan manner? Isn't that too bad? Perhaps we ought to go back to the drawing board in the next few short minutes and hours that we have left in this session, and come up with something that truly will serve children. But I submit to you, pass this Majority Report, then let's work on it. I will do my share, I will go to the wall for this Bill. I ask for your support.

Off Record Remarks

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. The people who have been around here long enough, and you know that the Governor will not buy into a Department of Children, it means that as this Bill proceeds through here, there is a possibility that this Bill will be vetoed!

THE PRESIDENT: The Chair would advise the Senator that reference to action outside of this Body is inappropriate in the discussion of the debate it proposes.

Senator GILL: ...And I would go on to say, that in the instance that something like that should occur,

we will have another Bill coming through here that will be killed automatically. Where will we be left? We will be left without any issue dealing with children! The purpose of this whole debate is do something for children, to put someone in the Governor's office, who will focus on children, and develop a whole plan of action to deliver services to children. I would ask you please consider this very carefully, because I can see us going home as we did last year, with nothing, and I do not want to do that again. I think everybody here, everybody, wants to do something for children, and everybody also knows the politics and the scenario that can take place here. I would ask you to be very careful about what you consider here, so that we can go out of this session of the legislature, with children as a focus, and I would ask you to please consider that.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. With all due respect to the good colleague from Cumberland, Senator Gill, I don't think any of us, Democrats or Republicans in this Chamber, should worry about any extraneous factors here. We are all called to do a job, to stand up in what we believe in, regardless of what party. I concur with my good seatmate, the Senator from Cumberland and the Senator from Kennebec, that we are all supporters of children, there is no question. But there is a missing ingredient that it seems to me in the debate this morning, and that is not that we are supporters of just children, but we are supporters of families. If anything has happened over the last decade, then the attention that we have all focused on with respect to families and the importance of the family unit in our society, ladies and gentlemen of the Senate, we have Departments for Transportation, Departments for Fisheries and Wildlife, Departments of Education and Human Services, and other things. But what more important part of our society, what more important piece of that fabric that makes us truly what we are as Americans and as Maine people, is the important factor called our family, and the importance that we learn as families and as members of Community, and the kinds of values that we believe are important.

Today in my estimation, we are suffering in a society, in many respects, because of the onslaught and the devastation that has been done to the family. We have seen changes in moral values, changes in ethics, our teenagers questioning all kinds of transcending values that we know are important, and I think a lot of has to do with that weakening of the family unit. If we don't change the way that we deliver the services that are important to keep families together, than it seems to me that what happens is all the money we can pump into children and families goes, Lord knows where.

The Department of Human Services, ladies and gentlemen, does the best that it can, but it is a system that has to deal with a thousand, million different things in efforts. Many times the loser are children and families. They are the losers. We see the impact in drug abuse, we see the issues of child sexual abuse, we see the kinds of concerns with lack of education, lack of decent housing, homelessness, affecting not just individuals, but affecting family units. Families are affected in this issue.

I have a report from the Family Policy of N.C.S.L., and it says, and I would quote talking about state initiatives and state innovations dealing with children and families, "Each family in our society is unique, and at times may require different

types of support, over the last thirty years, a wide variety of programs, services, and helping professions, have been developed to assist families with different needs, and further understanding of specialized individuals and family problems. This specialization, however, has also tended to fragment service delivery, to set up professional walls between service workers, and to create a variety of separate program eligibility criteria and funding streams for services that are not integrated with one another." That is exactly the problem with the Department of Human Services, the Department of Mental Health, the Department of Education, you have five or six Departments and Agencies trying to assist the same family, and that family does not know where to go or where to turn. Kids that are affected by drug abuse are often kids that have problems with sexual abuse and physical violence in the home, and other kinds of factors. Families get lost in the shuffle when they need assistance and help. I can't think of a more important Department and Agency in the State of Maine than the Department of Children and Families. Families make the system work, make our society go, more important than anything, at least in my understanding.

And as I understand the Governor when he ran for office, identified this need. Others in our Congressional Delegation have identified the need. We all, Democrats or Republicans know that we should have a Department of Families. We can do it ladies and gentlemen, there have been many issues that we have debated on this floor where there seemed there was no compromise, there was no alternative, no hope of resolving our differences, but I got to believe on this issue, that Republicans and Democrats in this Chamber and the other Chamber, and our Chief Executive can sit down and work together to create a Department of Children and Families. There isn't any more important issue this session. We need to help kids, they are going to be here in this Chamber later on, and we have an opportunity to make a drastic change in policy, to really help, and all the dollars that you throw at the existing service system isn't going to amount to a hill of beans. You have got to go right for where the problem lies. Thank you.

THE PRESIDENT: The Chair wishes to advise the Senators that references to activity or actions in other Bodies or other Entities, affecting this legislation, is not proper in the consideration of our action.

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

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am reluctant to speak this morning that the first two speakers are wearing their capes, and are prepared for a formidable action, however, I will anyway.

The Commissioner of Human Services was quoted this morning as saying "The Department of Children is merely a bumper sticker slogan." This seems to me that this all started out as bumper stickers. For a long time people had bumper stickers that said "Have you hugged your kids yet?" That is a nice statement, which began to degenerate, have you hugged this yet, or that yet, and I am sure someone has had one that said, "Have you hugged your Commissioner yet?" But that kind of statement, "Have you hugged your kids yet?" is usually put on their bumpers by people who do hug their kids, not the way to approach the needs of really troubled kids, it is just not enough, it is not just a very effective way. We need effective ways in this state. For years we have had leaders in this state who have been talking about a Department

of Children, as an effective way to deal with the multi area responsibilities in State Government.

Senator Gill of Cumberland, said the other day, that the past two Executives have campaigned on the issue of the need for a Department of Children. That is years, and years, that this has been discussed with no action, and now is the time for action, and this Bill is an action Bill. I commend the people who crafted it, this is a starter Bill, and we need to start. It is an evolutionary Bill, it allows the issue to evolve. Any other approach that might be suggested in this session, will do nothing more I think than carry on the fragmented, toothless, coordinated efforts we have now. The I.D.C., the Inter-Departmental Committee has been going and doing some good things, but they are always fragmented under the various Commissioners who have many other things to do, many other priorities, and have their turf to be responsible for. We need these pulled together, this evolutionary starter Department will be able to do that, we will start, and I recommend highly that we vote for the Majority Report. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a couple of things to say before we vote on this Bill. We all have to understand that people disagree on issues, and obviously, we did disagree on this issue, and for a number of different reasons. But I do not think we should shy away from debate, especially when we are dealing with an issue like this, the children of the state, and we are talking about the children who are in fact, and the ones that need special care. I don't think we should ever get to the point when we politicize that issue. And I fear to some degree that this has happened, not only hear but in the press.

Senator Gill from Cumberland has talked about the fact that this Bill has focus as children, and I pretty much have devoted my whole life to children, either my own, or as a teacher. As a matter of fact, a good portion of those years as teaching has been teaching students at risk. I think that this is pretty much the same children that we are talking about, who are in need. If you were to go back forty or fifty years, some of us can only go back twenty or thirty years, and checked what the problems were in the schools, back thirty, forty, or fifty years ago, and ask teachers, or ask parents, or ask the kids themselves, what were the major problems that you had to deal with back then, I think you will find a lot of students were talking in class, or a lot of kids may have come to school late, a lot of kids may have chewed gum in school. You compare those questions with what children have to deal with today, with drugs, sex, AIDS, peace, war, anything, all these issues that students have to deal with today, that really were not around twenty, thirty, forty years ago, and have been compounded ever since that time. As we are dealing with this issue, we are talking about kids, and kids that are at risk. When we vote on an issue like this, we have to do it on the merits, not on politics. This is not about the Governor, this is not about a Head of a particular Department, it is not about Pinocchio, it is not about Democrats or Republicans, it's about children. Here we have an issue that everybody wants to do something with, but want to do it differently. If this Bill passes or loses, let it do so on it's merit, not on political partisanship.

I really believe that this Bill does planning before it fails. We have seen the state get into

financial messes before, we are in one now, and here we have an opportunity to actually plan a Department before we allocate money to it, and people seem to object to that. This Bill also saves money by doing that, at a time when we need it the most. I really think that this makes a lot of sense, and I would be voting for it.

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

Senator DILLENBACK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am from the opposite end of the spectrum. I have never served on any of the Committees that deal with child welfare, or human services, or anything else. I have always tended to be on the business end of the legislature. I just wonder what the public thinks, when they hear these debates, or newspaper reports, about people fighting over the welfare of a child. Everybody is in favor of taking care of the children, everybody wants to do the right job, but are we doing it correctly. That is the question. I hear one person say that is going to cost so much that we cannot even afford to do what the program asks for, others say that we are going to save money. There is nothing about a reign of confusion here on actually who is correct. I have a great deal of respect for the people who have served on these Committees. But I also have to listen to the debate. It seems to me that there is only one thing that you can do in a situation such as this, and that is a matter of compromise. That is what we are here for, compromise, but there doesn't seem to be any interest in compromising this. I did hear this morning that somebody did meet with a few people, and perhaps they tried to do something. This is a very serious problem. The public is out there, they haven't any idea what we are doing. It seems to me that if we were sensible about this, we would Table this type of Bill and come up with an answer, rather than lose the whole program, which has been indicated might happen today. I feel badly about that, because we all want to help the children. Thank you.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to respond if I may, and I know that we have been on this issue for quite sometime now, and it is not usually my trait to speak long, but I think that it is important that we remind ourselves of what we have been saying here, that may or may not be too accurate.

Someone quoted from the newspaper this morning, so I thought I would open it up to read what the comments were. I did find another comment by one of the sponsors that says "Any real problems with the Bill could be ironed out before the new Department is up and running in July, 1991," and I further quote, "This is enabling legislation, that's all it is, it makes a commitment that we have a Department and we will have a Commissioner, that's all it is." and I quote from the paper. Another comment that was made was that we were tired of studies, and studies, and yes, all of us are tired of studies, but the Bill and I quote verbatim "When the Commissioner of Families and Children is sworn in and has taken office, the Committee with the Commissioner and other Executive Branch Officials shall continue developing the plan." This will go into 1992 and 1993, we still don't see the services.

Another issue I would like to touch upon, is the so-called savings. I believe that two of those positions that are quoted as being deallocated are already out in the Budget, one is vacant, and three are classified people who would bump other people. I

just heard a little while ago, someone who is very concerned about bumping, that it is presently being talked about in one Department. And those people are living from day to day, not knowing if they will be bumped, that is an issue that concerns me as well.

I guess what sticks in my mind is what the social worker told me last Saturday at the town meeting I attended, and he said if you have that kind of money and energy, give us the caseworkers, don't give us another layer of bureaucracy. I am as social service conscious as most of you are, and I also am very supportive of some fiscal responsibility, and I can never forget the people who have to pay this Bill, the retirees in my District, the people who work two and three jobs, and the people who respond to your questionnaires, I wish everyone of you, I know so many of you are much busier than I, but I read everyone of my questionnaires, and I wish you would also tally them, and see what they respond, don't give us more bureaucracy, give us the services if you can spare the money, but don't tap our pockets dry.

If we truly want centralized service, let's sit down, let's have a Committee of Senators if you wish, someone is totally removed, who is not on the Bill, who has not served on the Committee, who does not represent vendors, or providers of services, who do not represent coalitions, but who will sit down and discuss this in a common sense approach.

I learned a new word last night from my son, and he said Mom like it's hubris, and I didn't have the energy to get up and look in a dictionary, but later on he explained to me, and I think it is a word that I could use now, that is if we truly as legislators care about the children, we will provide that centralized system and not let it die because of hubris, but I would say because of misplaced pride. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I highly concur with the good Senator from Androscoggin, Senator Berube, on the need to get going. That is the message that I really got from her, we need to get going. What this Bill does is allow us to get going. Now the discussion for me and from what I have heard out in the hall, is a Department of, or an Office of, I submit to you that is nearly semantics. What we are both saying is, what we need is a Cabinet Level position, because without a Cabinet Level position, you will get nowhere. You will study this issue again, you will not serve children with coordinated services. That is what you get, and when creation was formed, and we started naming things on this earth, we happen to name the beast of burden a horse. Now we all know what horses do, they carry burdens for us. We could have as well had somebody call a horse a pig! And a pig then would then be a beast of burden, and we would have a horse for a roast on the table. It doesn't really matter what we call this, just as so long as we give it Cabinet Level authority. Let's work on that, let's not study again, let's not have a group of legislators, God bless us all, develop this plan, let's have somebody who leads in a professional field develop the delivering of professional services to children and families. Thank you.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I agree, I think that this is what we are asking for, is for you to defeat this Bill so we can put a person in the Governor's office so we can devise how those services are going

to be delivered. That is what we are trying to do. There is not going to be a great deal of study if the matter of appropriating and apportioning the services that have to be apportioned to children, and I would say that we are in agreement that there should be a focus within the Governor's office, and I think that is a start anyway.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I agree with two of my colleagues from Cumberland this morning, the good Senator from Cumberland, Senator Gill and the good Senator from Cumberland, Senator Dillenback, and the latter and I frequently share a focus on business rather than children, although I am sure we share, as with all of you, keen interest, and a fondness, and a need to address the services that are spread across the bureaucracy in this state government. There are those in this body and outside of the body, including our constituents, who would choose to interpret our votes this morning, as they wish, perhaps to their own advantage, and that may be political advantage, and maybe to our perceived disadvantage.

Despite that risk I submit to you that it is the good Senator from Kennebec, Senator Bustin, who has more narrowly and keenly focused on the issue, and that is we are calling for a Cabinet Level focus, and there we have the compromise, on services and the administration and implementation of those services for children and families in our state. It is unfortunate that the good Senator from Kennebec and the good Senator from Cumberland, Senator Gill cannot get together, although they have enjoyed their companionship, as have we, and their antics frequently, as seatmates, but one wishes a Cabinet, the other wishes a focus, and I submit to all of you that the Bill before us is the vehicle to achieve a Cabinet level focus, so let's vote for it.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report from the Committee on State and Local Government.

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

A vote of No will be opposed.

Is the Senate ready for the question?

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, 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

PAIRED: Senators BERUBE, BALDACCII

ABSENT: Senators None

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes and no Senators being absent, the Majority OUGHT TO PASS AS AMENDED REPORT was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "C" (H-820) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and Later (March 6, 1990) Assigned matter:

Bill "An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Buses" (Emergency)

H.P. 1462 L.D. 2039
(C "A" H-817)

Tabled - March 6, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator CARPENTER of York to ADOPT OF SENATE AMENDMENT "A" (S-555).

(In Senate, March 6, 1990, READ A SECOND TIME. Senate Amendment "A" (S-555) READ.)

(In House, March 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-817).)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator CARPENTER of York to ADOPT SENATE AMENDMENT "A" (S-555).

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

An Act to Ensure the Independence of the Animal Welfare Board

S.P. 691 L.D. 1830
(C "A" S-523)

Tabled - March 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In Senate, February 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523), in concurrence.)

(In House, March 6, 1990, PASSED TO BE ENACTED.)
On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-523).

On further motion by same Senator, Senate Amendment "A" (S-564) to Committee Amendment "A" (S-523) READ.

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

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. Could we have an explanation of the Amendment that has just been offered, please?

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 of Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. This particular Amendment does two things. First, it allows the salary of the Director of Animal Welfare Board to be regulated by the State Personnel Rules, instead of established by the Board.

Secondly, it takes into account the fact that the Animal Welfare Board would be disconnected from the Agriculture Department. Since the Animal Welfare Board has it's own Computer System, the annual fee of \$3,700 paid into the Central Computer System that it

does not utilize, can be used to offset the cost of the rental of the new office space for the Animal Welfare Board. The ultimate consequence of the Bill is that it has no fiscal note.

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-564) to Committee Amendment "A" (S-564) ADOPTED.

Committee Amendment "A" ((S-523), as Amended by Senate Amendment "A" (S-564) thereto, ADOPTED in NON-CONCURRENCE.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to request a Division on Passage to be Engrossed. I am in a difficult situation, I agree with the Amendment, but I disagree with the separating the Animal Welfare Board from the Department of Agriculture, and that is why I am asking for a Division.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would appreciate an explanation from the Committee as to the need for separating this. I received personally a dozen letters and calls in opposition to removing this Animal Welfare Board from the Department, and no one has given me any good reason why I shouldn't vote not to do that. So if someone from the Committee could explain that I would appreciate it.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question to the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would be delighted to respond to the inquiry of the good Senator from Franklin, Senator Webster, because this Bill is my Bill. I am the prime sponsor of this measure, and would share with all the members of our Chamber the brief history of this Animal Welfare Board, knowing that when you understand the history, that perhaps the Division will not be identically be reflected in the Roll Call.

The Animal Welfare Board was established back in 1983, not that long ago, to create an independent Board designed to oversee the welfare of animals in Maine. During the public hearing back then, and some of us were here, and some of us were involved in this, a number of people expressed their concern that the Division of Animal Welfare within the Department of Agriculture, was unable to balance the needs of the farming needs of those people interested in animal welfare. The proponents then of that piece of legislation, which was approved by a 26 to 4 vote in this Chamber, and an equally lopsided vote in the other body, I gave persuasively that an Independent Citizens Board, which this is, could simultaneously consider both the farm issues and the interests of those particularly interested in animal welfare. And that Animal Welfare Board has frankly performed admirably, beyond the imagination of some of us who are involved in it's initial formation.

This Bill that we have facing us today, in it's newly Amended version, will simply serve to insure the independence of the Board. The co-sponsorship of the measure has been apprised that those in the Department, charged with the responsibility of running the Department, or overseeing the Animal Welfare Board, are attempting to exert influence over the decisions of the Animal Welfare Board. That allegation is substantiated with ample evidence, which is why this Bill is before us, and which I

guess it is appropriate for me to read from the original legislation what it is intended to do. That comes from Title 7 Section 2, and it reads as follows:

"The Commissioner does not have the authority to exercise or interfere with the exercise of any discretionary authority granted to the following:

which authority shall be exclusively within the specific Board, Bureau, Agency, Commission, Committee, or other Governmental unit."

Included in this list is the current Animal Welfare Board. So the alleged problem that currently exists, centers around what people presume to be an oversight, or a misunderstanding of the independence and the charge of the Animal Welfare Board, and what this Bill seeks to do is simply to guarantee the continued independence of that Board. It really is that simple. Thank you.

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

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

Senator EMERSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I certainly hadn't intended to say anything on this Bill. I did sign out the Ought Not to Pass Report, and that is still my position...

THE PRESIDENT: The Chair would ask the Senator to defer for a moment and ask the Senators in the rear of the Chamber who are carrying on their discussions, to please take them out of the Chamber. The Chair apologizes to the Senator of Penobscot, Senator Emerson.

Senator EMERSON: The Animal Welfare Board was formed a few years ago, and as far as I know it has worked very well. I don't know of any complaints against the way the Board has worked. Apparently, the leaders of the Board desired to have their own Board, and not be under the Department of Agriculture, and they brought this Bill in. I might say that the only people that appeared in favor of the Bill, was the sponsors and the people from the Board. Farmers appeared against the Bill, people regarding horse racing appeared against the Bill, people regarding horse pulling appeared against the Bill. They are concerned, and the farmers are especially concerned about removing this from the Department of Agriculture. This morning, I understand, that there may be a double concern on the parts of farmers, because originally the Department did oppose a Bill, and then something happened down the line, the Department had a change of heart and they came in with an Amendment, which was apparently acceptable to them, and this Amendment says any complaint against a farm animal, or pulling animal, or a racing animal, will be referred to the Department of Agriculture, and they can act on it if they desire.

There is a concern now from farmers that this doesn't, even though the Department of Agriculture acts on the Bill, or chooses not to act, it doesn't say that the Animal Welfare Board still won't act, so the farmers are sort of in double jeopardy now, and I think they are more concerned about that at this point. I guess I have to say that probably this would not have happened if somebody had not been willing to put a lot of money into lobbying the Bill, and so forth. This concerns me very much. I hope that you would vote Ought Not to Pass.

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

Senator MATTHEWS: Thank you Mr. President. I would like to pose a question through the Chair if I may?

THE PRESIDENT: The Senator may state his inquiry. Senator MATTHEWS: Thank you Mr. President. To anyone on the Committee who might choose to answer, I would ask the question, who makes up the membership of the Animal Welfare Board, and I would like to ask the Secretary of the Senate to read the Committee Report of the vote.

THE PRESIDENT: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am pleased to the question of the good Senator from Kennebec, Senator Matthews, as well as, to respond to the concerns expressed by the good Senator from Penobscot, Senator Emerson.

L.D. 1830 doesn't change anything substantively, in fact not a single substantive part of what currently comprises the statutes revolving around the Animal Welfare Board. The Commissioner will still be an ex-official Member of the Board, and the Board will continue to be made up of four Representatives of Agriculture, four Representatives of Human Societies, and a Veterinarian. As many of us who have been involved in this Board, are aware, this is a unique arrangement, which has worked very, very well in our state, since the law went into effect. The Bill, again, does just two things. It allows the Board to hire its own employees, other than going through the Agriculture Department, and it reinforces the independent nature of the Board.

It is important that we know that there were over six thousand complaints received by Animal Welfare Board, and only a handful of those, in fact, six, seven, or I will just add eight, just to be on the safe side, are related to farm animals, all the rest deal with family pets.

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

Senator CAHILL: Thank you Mr. President. I would like to pose a question through the Chair to any Senator who may answer?

THE PRESIDENT: The Chair ask that the Senator defer. The Senator from Kennebec, Senator Matthews requested that the Secretary read the Committee Report. The Secretary will now read that Report.

Which Report was READ.

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

Senator CAHILL: Thank you Mr. President. I would like to pose a question to anyone who would care to answer. My question would be, the reason that I am opposing the legislation is because I have two people who share agricultural interests in my District, and they have both contacted me to oppose the legislation. I have been told in the last couple of days, that there is an Amendment floating around that will address the concerns of harness racing, and people associated with pulling events at Agricultural Fairs. I have not seen that Amendment, and I was wondering if anyone knew if there was such an Amendment, and if it was going to be coming forthwith.

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 Emerson.

Senator EMERSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe the Committee Amendment addresses that problem, because a Committee Amendment, as I said before, the Committee Amendment said if there is any complaint against a

farm animal, or a pulling animal, or a racing animal, that these complaints be referred to the Department of Agriculture.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to say that I don't see this as being a partisan issue, I didn't even know it was going to be on the Calendar today, or at least I did not know that the Senate was going to reconsider it. My concern is I guess that, it shouldn't be a partisan issue, I don't think it is, the only reason I am addressing it is because I have had so much interest from the public in my district. The only reason I have mentioned partisan is because Senator Cahill and I happen to agree, and seems that some of the other members of my caucus agree with the Senator from Penobscot, Senator Emerson. But my concern is that we ought to be very serious when we change laws, no matter what the law is, whether it is an issue like this, which probably isn't earth shattering, or whether it is an issue dealing with children, or whatever the issue might be, we ought to cautiously change our laws in this state. I am only speaking for the dozen people that have contacted me, and asked me to oppose this measure for a number of reasons, and I have yet to be convinced that this ought to be changed. I appreciate the explanations given by the Senator from Cumberland, Senator Clark and others, but no one yet has shown me why we ought to be changing this law, and that is why I am opposed to it, and I hope that you would oppose it, too.

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

Senator DILLENBACK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am probably one of the few farmers that has been involved in animals, and consequently, I don't know why the farmers would object to this Bill. The fact that that Amendment is coming forth, to me, answers all the questions. Because you have other groups that are concerned, the horse pulling, the racing, some people are very concerned about those items. But when you get to the care of animals, probably the farmers do a good job, in fact, they do an excellent job, because it is their income, they have to take care of the animals, so I don't even see why the farmers are even concerned about this.

There is a problem, however, because when you have this under the Department of Agriculture, it is sort of a step-child. And a matter of fact, they asked another person to do the investigations this year, and they even had the money for it, but then the Governor passed down a law, or somebody did, a ruling, that they wanted to prioritize where their money went. And of course the Department of Agriculture prioritized the money, and they didn't get the money that they needed.

I think that when you set this up under a different Head, an independent organization such as this, although, the Agriculture Committee, the people are represented on it, you are going to more attention on to the problems, and we do have problems. It is just the natural things that animals are mistreated, and I think we should take care of them, and this is probably the best way to do it.

A number of years ago, we had on one of my Committees, we had a Bill in for another animal welfare group, in the town of Windham. We passed through this legislature, a Bill to allow them to buy part of the land that was in the Windham Reformatory, so they could establish a farm from there and take care of mistreated animals, and they have done a

wonderful job, and I love my animals, and I hope that you love yours, and let's take care of them. Thank you.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. Now I know why I like farmers, especially from Cumberland County, with the name of Senator Dillenback.

I couldn't agree more enthusiastically or sincerely with the remarks from the good Senator from Cumberland, Senator Dillenback, and simply wish to reaffirm my support for this measure, obviously, as the prime sponsor of the Bill, I support it. But it is my understanding that the Commissioner of the Department of Agriculture, as well as the members of the Animal Welfare Board, support what the Committee has reported out as a compromise piece of legislation, and hasten to remind you that not only does the Amended version of the Bill insure the independence of the Animal Welfare Board, but it gives to the Department of Agriculture additional powers to investigate those complaints related directly to farm animals, more than they had before this Bill was presented. Thank you.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED.

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?

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators BRAWN, CAHILL, COLLINS, EMERSON, GOULD, HOLLOWAY, LUDWIG, WEYMOUTH

PAIRED: Senators BALDACCI, WEBSTER

ABSENT: Senators None

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the Bill was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

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

Bill "An Act to Protect Public Health by Prohibiting Smoking on public Transportation Busses" (Emergency)

H.P. 1462 L.D. 2039

(C"A" H-817)

Tabled - March 8, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator CARPENTER of York to ADOPT SENATE AMENDMENT "A" (S-555)

(In Senate, March 6, 1990, READ A SECOND TIME. Senate Amendment "A" (S-555) READ.)

(In House, March 2, 1990, PASSED TO ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-817).)

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

Senator BRAWN: Thank you Mr. President. Ladies and Gentlemen of the Senate. As a member of the Governor's Committee on Smoking, and the Commission on Smoking or Health, I rise to clarify for the record, comments concerning this L.D. 2039, "An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Buses" (Emergency).

When we debated this Bill on Tuesday, I heard several comments that said they are going too far. I wish to express to you that these Committee's that I am on did not sponsor any legislation this year. We have done very well in Maine passing smoking legislation in the past. We decided not to submit smoking legislation during this second year of the 114th Legislature, to wait for the Governor's Commission and recommendations, and you have received that report.

I hesitate to say this Bill was submitted by a member of the other Body, so I won't. I think it is a good Bill, and I will support this Bill without the "smoker's special" Amendment. This Bill should, however, exempt chartered buses.

One final point I would like to make, is that this is not a smokers right Bill we are talking about, we are talking about public health. I remember my first year here debating that subject of public health, and I remember we won by a very narrow margin, the Smoking in Public Places Bill. I wish to state unequivocally for the record, I do not wish to infringe on smokers ability to smoke. I have been very careful not to offend smokers, and I am sure that if you smoke the good Senator from York, Senator Carpenter, he will particularly agree with that. But I do wish to have a choice of the air that I breath. If someone else chooses to smoke, that is their business, but I also believe that I should have the choice not to breath that smoke. I thank you for this opportunity.

THE PRESIDENT: The Chair is tempted to advise the Senator from Knox, Senator Brawn, that she was close to being out of order, but I won't. The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. We are discussing right now the Amendment, which has absolutely nothing to do with smokers infringement on non-smokers rights. The Amendment is the right for a company, we will use the word in this case, a bus company. I am just against infringing on their rights to supply, which might or might not be a demand in the transportation system. The Amendment is only to design to allow a bus company, if they desire, to run a special bus for smokers. I have not heard of any bus company applauding this, and that wants it, but there might be someday. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to commend the good Senator from York, Senator Carpenter, on his innovative Amendment. It seems to me that he had an interesting approach to this important issue, and I would suggest that we ought to support this Amendment. In the Amendment if you read it, it says, and I think the clear point that we have to notice is that it says, in addition. It isn't like Senator Carpenter and the Senate are telling these bus companies they can't allow smokers to

mingle with non-smokers, but I think the approach to allow a company to offer this exclusive trip for smokers is a good idea, and I commend him for offering this Amendment, and I hope you support it. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I was just trying to think how that this could happen, and we could have a smoking bus and a non-smoking bus, and I guess now that we will see kind of insignia, I guess, on the smoking bus, maybe a cigarette, an ashtray, or better yet, as it comes down the highway, we can see the smoke coming out of the windows. I am trying to envision that. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is with some trepidation that I arrive at this late hour of the morning, to debate this monumental issue.

I did have occasion to bring to the attention to the members of the Committee on Human Resources, the Amendment being sponsored by the good Senator from York, Senator Carpenter. And I must report to you that it was with a sense of amusement that the Amendment was discussed in my Committee. It is probably a fair statement that they do not feel the Amendment, if Adopted, would have any practical affect. It is in our view somewhat unlikely that a bus company could in fact afford to purchase a fleet of buses, which would be sustained by an ever dwindling number of smokers in our society. Therefore, I can't tell you that I would vehemently oppose the Amendment, but, I have been asked on behalf of the members of my Committee, to oppose the Amendment. We feel that it doesn't add materially to the Bill, in fact, doesn't make much of an impact at all. We do not think it is meaningfully related to the purpose of this legislation, and therefore, I would ask that you vote against the offered Amendment. Thank you.

At the request of Senator GAUVREAU of Androscoggin a Division was had. 13 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator CARPENTER of York, to ADOPT SENATE AMENDMENT "A" (S-555), FAILED.

On motion by Senator COLLINS of Aroostook, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-817).

On further motion by same Senator, Senate Amendment "A" (S-566) to Committee Amendment "A" (H-817) READ.

THE PRESIDENT: The Chair recognizes that Senator.

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. We are now in a position where we are back to the original Bill, and it would permit smoking on chartered buses. Thank you.

On motion by Senator COLLINS of Aroostook, Senate Amendment "A" (S-566) to Committee Amendment "A" (H-817) ADOPTED.

Committee Amendment "A" (H-817), as Amended by Senate Amendment "A" (S-566) thereto, ADOPTED in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

Which was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.
Sent down for concurrence.

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

Bill "An Act to Promote and Assist Barrier-free Construction in Places of Public Accommodation and Places of Employment"

S.P. 733 L.D. 1932
(C "A" S-536)

Tabled - March 6, 1990, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, March 5, 1990, READ A SECOND TIME.)
On motion by Senator CLARK of Cumberland, Senate Amendment "B" (S-568) READ and ADOPTED.
Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

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

Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket" (Emergency)

S.P. 746 L.D. 1950
(C "A" S-547)

Tabled - March 6, 1990, by Senator BERUBE of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, March 6, 1990, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.)

On motion by Senator BERUBE of Androscoggin, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-547).

On further motion by same Senate, Senate Amendment "A" (S-570) to Committee Amendment "A" (S-547) READ and ADOPTED.

Committee Amendment "A" (S-547), as Amended by Senate Amendment "A" (S-570) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

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

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act to Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137

Majority - Ought to Pass.
Minority - Ought Not to Pass.

Tabled - March 6, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator BALDACCI of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report.

(In Senate, March 6, 1990, Reports READ.)

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

Senator ANDREWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask you this morning to vote against the pending motion of Ought Not to Pass, that is before us, and I would like to explain if I could, where we are with this particular issue. This is a piece of legislation, an issue, that we all remember well from last year, when we dealt with the issue of property tax relief. We passed a comprehensive package for property tax relief, and we did so with some misgivings, about some of the components of that package.

The component that we had the most misgivings about, is at issue right now before us, and that is the Homestead Exemption. We argued last year in the Committee, and I articulated on this floor, that it was unwise as a matter of tax policy, to provide property tax relief in this particular way, and the essence of the my argument at the time was, that we are taking precious few property tax relief dollars, and we are giving them to people, many of whom do not need this kind of relief. In other words, we are sending a subsidy, or a check, to every single property tax payer in the state, whether they need the property tax relief or not. You could be a millionaire, you could be paying a very modest property tax, it might not be a burden for you, but you would still be getting a check because of this program. We argued that we couldn't afford that kind of subsidy to people who didn't need it, there was a better way.

We bring this issue back before you today, because since that time, there has been increasing evidence that this program is not only unfair from that prospective, but it is also unfair from a municipal town level prospective. Indeed, it is an unworkable and an Administrative nightmare. This is new information that we have now that we didn't have before, and I wanted to present this new information to you and give us all the opportunity to change this feature of the property tax relief measure that we passed last year.

As you know, we started out last year as a Taxation Committee, seeking to put together a property tax relief package. We immediately left the State House and traveled to cities and towns around the state. We took six weekends, and spent them in towns from York to Presque Isle, asking the citizens in town halls and gymnasiums, and school auditoriums, what they thought about property tax relief. We got a lot of information, tremendous turnouts, and we put together a package based upon that. Since that time, and since we passed this measure, we have not had a chance to go back out and have public hearings in the cities and towns of Maine, but we did have a chance to call and write to some of the municipal officials and citizens of those towns to ask them what they thought about the package that we had passed, and get some reaction. And while there was a variety of responses on all sides of the issue, perhaps the most consistent response we received, and one of the most strongest criticisms that we received, was the unworkability and unfairness of the Homestead Exemption.

Let me give you some examples of some feedback that we have heard from municipalities. The City of Bangor passed a Resolution, and made it a whole focus of a municipal session. Let me paraphrase some of what they said, whereas the State Legislature has enacted the Homestead Exemption Program, whereas the program has currently structured to provide minimum relief to individuals, while imposing substantial administrative burdens upon municipalities, and while the program would provide no relief for individuals who rent their dwelling units, and will provide minimal relief to home owners without consideration of a home owners economic status of income, now therefore be it resolved by the City Council of the City of Bangor, that the City Council calls upon the Maine State Legislature to repeal the Homestead Exemption Program, providing the funding of this program as allocated to the municipal revenue sharing program.

From the town of Georgetown, we wholeheartedly agree that the Homestead Exemption is a very expensive nightmare, both at the state and local

level, on behalf of the citizens of Georgetown, we encourage your efforts to have it repealed. That is from the Board of Selectmen. Or from Gardiner, it is our feeling the Homestead Exemption is an unworkable program that would prove expensive to administer to both state and municipalities. From the Town of Jackman, the Town of Jackman's municipal officials reaction to the Homestead Property Tax Exemption is that it is not advantageous to the average taxpayer. It provides a misleading and unequal solution to property tax payers of Maine, and would be an enormous administrative burden.

I have a stack of these letters that read in very similar fashion, and I think that the point is well taken. You know, we talk about putting red tape, and tying cities and towns up with mandates and with red tape here in the State House, and I think that perhaps from the experience that we now have, and from the feedback that we have now learned from, that this particular piece of red tape and administrative expense is perhaps the most bitterly ironic of all that we have ever passed. Here we pass a Bill that we are claiming is in the interest of the cities and towns of Maine, and the property tax payers of Maine, and here we talk about, as we debated this Bill, the lamentable fact that these towns and cities have been burdened with all these mandates, and all these administrative expenses. But here in this very Bill, in the very name of property tax relief and assistance to those cities and towns, we add one more piece of red tape, and one more administrative burden onto the backs of these municipalities. Some of them have told us that the expense and the effort of administering this mandate, outweighs the benefit of that municipality is going to receive from what we have given them. In other words, it is going to cost them more than they are going to receive. That is no kind of relief, and that is certainly isn't fairness if you are sitting out there in cities and towns.

I want to also add that in addition to comments from individual people from the municipalities, and town and city officials, we had a Municipal State Government Summit just a few weeks ago, and many of us were pleased and privileged to attend and participate in that Summit. And this subject as we all know came up and was debated and discussed, and the Maine Municipal Association, the Legislative Policy Committee of that group, overwhelmingly, voted to support repeal of this Homestead Exemption, and instead, provide those resources to cities and towns through our Municipal Revenue Sharing Program. This program has been around for decades, that is, the Revenue Sharing Program, it is based upon a formula that we have all established as a matter of law, that we all agree is fair, that distributes this revenue fairly on the basis of needs and towns all over the state, and it has the strong support of cities and towns across the State of Maine.

L.D. 2137 would simply take the money from the Homestead Program, eliminate all that red tape, administrative nightmare, and instead, direct those funds to cities and towns through a well-established mechanism that we all agree upon. No cost to municipalities, no mandates, no red tape, just sweet relief. Thank you.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that you would vote to support the motion as it exists, which is the Adoption of the Minority Report, as suggested from the Senator from Penobscot, Senator Baldacci, and I will tell you why.

I am probably a minority within my party, but I support the Homestead Exemption, and I do so very strongly. The good Senator from Cumberland, Senator Andrews, just said to you, and I wrote it down as he said it, every single property tax payer in the State of Maine, even if you are a millionaire, is going to benefit from the Homestead Tax.

Well, ironically, unbeknownst to me, a sheet was distributed on our desks just a little while ago, called the IRS Loopholes Aided the Wealthy. It says that 595 of the richest people in America paid no income tax for 1986. Often, people will say, well what we ought to have is just the Circuit Breaker, because it deals with just the people who need it. Well, I have been told by the people who work in taxation, and a number of people that are coming in, who are able to show tax losses, because as this article says, they have farm income, they have foreign income, or whatever, and walk away with a Circuit Breaker break. I think that the description that Senator Andrews of Cumberland gave, that every single property tax payer of the state, gets a break on this, even if you are a millionaire, first of all, should be compared to the breaks that are gotten by people who are under the Circuit Breaker, and number two, not every single property tax payer in the State of Maine gets a break from the Homestead Tax. Only on your primary residence. If you are from out of state and you own a cottage here, or even if you are from instate and you own a cottage here, you don't get a break. If you are a woodlands operator, could be Georgia-Pacific, or any one of those, you do not get a tax break. You only get it on your home where you live, and I think that people who own homes in Maine have had a hard enough time, they have been up slugging it out in the cold with the rest of us, they ought to have a break on their taxes.

Now I understand that this is a minimal thing. As a matter of fact, I even understand that it may be frozen for a while. But I look at this as a program that in the future could very well grow, and could be an aid to people who are trying to hold onto their homes. I understand the opposition of the towns, they don't want anything. They don't want people to be able to register the day before the elections, or on election day, because it is an administrative burden and a nightmare. Everytime you suggest anything like that, it is always an administrative burden, or a nightmare. Well a while ago I opened the Kennebec Journal, and I saw an advertisement from the City of Augusta, which at that time everybody anticipated that the program would continue, there was a coupon that you would cut out and send into the City of Augusta, you had to write your name on it, your residence, and you had to certify that this was your primary residence, and answer a number of questions. Do you have a Maine license, do you vote in Maine, do you have a Maine hunting and fishing license? They take that information and figure out if you qualify for a Homestead Exemption.

I don't see that as a nightmare. I don't see that as an administrative nightmare. You just fill out this coupon, send it into the town, and they review and certify whether this is your primary residence, after you sign this affidavit of sort. If you want to talk about an administrative nightmare on the part of the towns, it is the excise tax, but the reason they don't complain about that is because they get to keep it. I am a supporter of the Homestead Tax, I always have been, and I am now, and I will continue to be. I think that it is one of the very first times in the history of the state where the burden of taxation is being shifted, away from the property tax, and onto oncoming sales, and I think

that is better than it is on the property tax. I understand that the municipalities would not like it, because they do not get the money. The town fathers would not like it because they do not get the money. The people who pay the taxes get the money in this case, but they have the right to go to a town meeting and lower or raise their taxes if they want to. I just failed to see where the Circuit Breaker is so much better than the Homestead, there are so many violations, according to reports that I've had, of the Circuit Breaker Tax, by people who are able to show a tax loss on their income tax.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I really did not know that I was going to get up at this moment, but Senator Pearson from Penobscot mentioned something that I am familiar with, and it's the position of being in the minority sometimes.

I concur with his views, and I would like to give you two reasons why I am going to be voting for the motion before us. The first of which is that maybe I shouldn't, because I've got a vested interest, I will be getting about \$50, and I don't certainly fit the Bill of being in the millionaire's group. \$50 on my tax bill is not bad, it certainly helps, and as it would help many of the retirees and people of fixed incomes in my district. My second reason I think is more idealistic, if you will, we did make a commitment last year, that this money would be given in Homestead Exemption to the people of our state, and I think we are bound by our word, if it is going to mean anything, we did do it, we knew what we were doing, at the time there were town managers that were saying, oh we can't cope with this, and it is a bad idea, but none the less we passed it. Maybe if there were a proviso to that Bill, that said that rather than return in Homestead Exemption the monies to the individual tax payers, that maybe if does go indeed the way they want to, that is in revenue sharing, that they will assure every tax payer that their property tax will be reduced accordingly, that they will use those monies to reduce the tax. I suspect that many times it goes back into revenue sharing and other forms of grants, and some new thing is very tempting to purchase, or enact, and that is where it gets lost, and those are my reasons. Thank you.

Off Record Remarks

On motion by Senator ANDREWS of Cumberland, ADJOURNED until Friday, March 9, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
29th Legislative Day
Friday, March 9, 1990

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

Prayer by Monsignor Paul D. Gleason, Saint Patrick's Catholic Church, Lewiston.

The Journal of Thursday, March 8, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 954)
JOINT RESOLUTION ON THE OCCASION OF INTERNATIONAL
WOMEN'S DAY

WHEREAS, on March 8, 1990, the world celebrates International Women's Day; and

WHEREAS, this day is set aside to honor women around the globe and commemorates an 1857 march led by Clara Zetkin in New York City for female garment and textile workers; and

WHEREAS, this day was first proclaimed at an international conference of women in Helsinki, Finland in 1910; and

WHEREAS, this day, having originated in the United States, has been widely adopted and observed in other nations; and

WHEREAS, the State of Maine takes pride in the labor force of this State, 57% of whom are women; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine, now assembled in the Second Regular Session, are pleased to recognize the occasion of International Women's Day in 1990.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Extend the Reporting Date of the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards" (EMERGENCY) (S.P. 952) (L.D. 2414)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Under suspension of the rules and without reference to any committee, the Bill was read twice and passed to be engrossed in concurrence.

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

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Resolve, to Implement the Final Report of the Commission on Maine's Future (S.P. 944) (L.D. 2392)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Institutionalize Strategic Planning in State Government" (S.P. 950) (L.D. 2400)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A"