

# **MAINE STATE LEGISLATURE**

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

**VOLUME V**

**SECOND REGULAR SESSION**  
March 20, 1990 to April 14, 1990  
**Index**

**HOUSE & SENATE LEGISLATIVE SENTIMENTS**  
December 7, 1988 to April 14, 1990

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

(Off Record Remarks)

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

On motion of Representative O'Dea of Orono,  
Adjourned until Friday, April 6, 1990, at ten  
o'clock in the morning.

In Senate Chamber  
Thursday  
April 5, 1990

Senate called to Order by the President.

Prayer by the Honorable Thomas R. Perkins of Hancock.  
HONORABLE THOMAS R. PERKINS: As we enter the  
last days of the Session, could we share this prayer  
together?

O mighty God, the Father, Son and Holy Spirit, be  
above us to protect us, before us to guide us,  
beneath us to bear us up and behind us to give us  
strength and courage for every task today, tomorrow  
and always. Amen.

Reading of the Journal of Thursday, March 29, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Related to the State Board of  
Substance Abuse Counselors" (Emergency)

S.P. 699 L.D. 1837  
(H "B" H-963 to C "A"  
S-483; S "A" S-506)

In Senate, March 23, 1990, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AS  
AMENDED BY HOUSE AMENDMENT "B" (H-963) thereto, AND  
SENATE AMENDMENT "A" (S-506), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AS AMENDED  
BY HOUSE AMENDMENT "C" (H-1039) thereto, AND SENATE  
AMENDMENT "A" (S-506) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Facilitate the Admission and  
Treatment of Involuntary Patients by Community-based  
Mental Health Institutions"

H.P. 1336 L.D. 1853  
(C "A" H-986)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986), in  
concurrence.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-986) AS AMENDED  
BY HOUSE AMENDMENT "A" (H-1037) thereto, in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Adjust Commercial Motor Vehicle  
Fees" (Emergency)

H.P. 1379 L.D. 1910  
(C "A" H-948)

In Senate, March 26, 1990, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948), in  
concurrence.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED  
BY HOUSE AMENDMENT "A" (H-1036) thereto, in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

Non-concurrent Matter

Bill "An Act Relating to Services to Infants and Young Children, Ages 0 through 5, Who Are Handicapped or at Risk for Developmental Delay"

S.P. 805 L.D. 2068  
(S "A" S-595 to C  
"A" S-592)

In Senate, March 22, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-592) AS AMENDED BY SENATE AMENDMENT "A" (S-595) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-592) AS AMENDED BY HOUSE AMENDMENT "A" (H-1032) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

H.P. 1588 L.D. 2200  
(C "A" H-1006)

In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) AS AMENDED BY HOUSE AMENDMENT "A" (H-1031) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Clarify the Role of the Board of Environmental Protection"

H.P. 1602 L.D. 2214  
(C "A" H-952)

In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY HOUSE AMENDMENT "A" (H-1040) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties (Emergency)

H.P. 1752 L.D. 2415  
(C "A" H-956; H "A"  
H-970)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-956) AND HOUSE AMENDMENT "A" (H-970), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-956) AS AMENDED BY HOUSE AMENDMENT "A" (H-1034) thereto, AND HOUSE AMENDMENT "A" (H-970) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend the Laws Concerning the Theft of Blueberries"

H.P. 1757 L.D. 2434  
(C "A" H-967)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967) AND HOUSE AMENDMENT "A" (H-1038) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife"

H.P. 1797 L.D. 2467

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and the Environment from Uncontrolled Hazardous Substance Sites"

H.P. 1798 L.D. 2468

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333

March 27, 1990

The Honorable Charles P. Pray

President of the Senate

Maine Senate

State House Station #3

Augusta, Maine 04333

The Honorable John L. Martin

Speaker of the House

Maine House of Representatives

State House Station #2

Augusta, Maine 04333

Senator Judy C. Kany, Chair

Joint Standing Committee on

Energy and Natural Resources

State House Station #3

Augusta, Maine 04333

Representative Michael H. Michaud, Chair

Joint Standing Committee on

Energy and Natural Resources

State House Station #2

Augusta, Maine 04333

Subject: Amendment to Chapter 10 of Land Use Regulation Commission Standards

Dear President Pray, Speaker Martin, Senator Kany & Representative Michaud:

On February 16, 1990, following public hearing, the Maine Land Use Regulation Commission adopted a limited moratorium on building and development activities on lands adjacent to a number of high value lakes in Maine's unorganized townships and plantations. This moratorium, enacted as an amendment to the Commission's Land Use Districts and Standards, Chapter 10, is effective until June 19, 1990, the date by which final lake management rules are expected to be adopted.

The purpose of the moratorium is to preserve the status quo on some 60 especially high value ,

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undeveloped lakes (Representing 2% of the total number in the Commission's jurisdiction) for a brief period to enable the Commission sufficient time to hold public hearings and adopt new rules to implement the Commission's comprehensive lakes management program for lakes. Because these lakes are unique, having significant and outstanding natural resource values, the construction of even a very small number of buildings on these lakes could have a dramatic and permanent negative impact on the lakes and the goals and objectives of the lakes management program.

The Commission has proposed lakes management rules and scheduled public hearings to solicit public comments on the proposal. The hearings will be held on Thursday, April 26, 1990 in Millinocket and Friday, April 27, 1990 in Rangeley.

12 M.R.S.A. Section 685-A(8) specifies that amendments to the Commission's land use standards, upon adoption, shall become effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

This submission is to fulfill the Commission's requirements under 12 M.R.S.A. Section 685-A(8).

If you have any questions as you review the amendment, please do not hesitate to call me at 289-2631.

Sincerely,  
S/ David E. Boulter  
Executive Director  
Maine Land Use

Regulation Commission

Which was READ and, with Accompanying Papers, referred to the Committee on ENERGY AND NATURAL RESOURCES.

The Following Communication:

MAINE STATE RETIREMENT SYSTEM  
STATE HOUSE STATION 46  
AUGUSTA, MAINE 04333-0046

3 April 1990

Honorable Charles P. Pray  
President of the Senate  
State of Maine, Augusta

Dear President Pray:

Enclosed herewith is a copy of the 1989 Annual Report of the Maine State Retirement System. The report is addressed to the members of the System and its publication is required by statute (5 MRSA, section 17102, sub-sect. 10).

Sincerely,

S/Jon A. Lund, Chairman  
Board of Trustees

Maine State Retirement System

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

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE  
April 2, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the

nomination of Donald W. Buzzell of Fryeburg, for reappointment to the Animal Welfare Board.

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

YEAS: Senators	3
Representatives	8
NAYS:	0
ABSENT: 2 Rep. Nutting of Leeds, Rep. Sherburne of Dexter	

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Donald W. Buzzell of Fryeburg, for reappointment to the Animal Welfare Board be confirmed.

Sincerely,

S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Donald W. Buzzell of Fryeburg be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator RANDALL

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Donald W. Buzzell, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE  
April 2, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

nomination of Rachel Leighton of Milbridge, for reappointment to the Animal Welfare Board.

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

YEAS:	Senators	3
	Representatives	8
NAYS:		0

ABSENT: 2 Rep. Nutting of Leeds, Rep. Sherburne of Dexter

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rachel Leighton of Milbridge, for reappointment to the Animal Welfare Board be confirmed.

Sincerely,

S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Rachel Leighton of Milbridge be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Rachel Leighton, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
April 2, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the

nomination of Dr. Thomas E. Eastler of Farmington, for reappointment to the Low-Level Radioactive Waste Authority.

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

YEAS:	Senators	3
	Representatives	9
NAYS:		0

ABSENT: 1 Rep. Simpson of Casco

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Thomas E. Eastler of Farmington, for reappointment to the Low-Level Radioactive Waste Authority be confirmed.

Sincerely,  
S/Senator Judy C. Kany S/Rep. Michael H. Michaud  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Dr. Thomas E. Eastler of Farmington be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

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

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

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

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

ROLL CALL

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. Thomas E. Eastler, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 30, 1990

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

Dear Mr. President:

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Ronald L. Vigue of Berwick, for appointment to the Workers' Compensation Commission.

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

YEAS:	Senators	3
	Representatives	10

NAYS:	0
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ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald L. Vigue of Berwick, for appointment to the Workers' Compensation Commission be confirmed.

Sincerely,

S/Senator Barry J. Hobbins S/Rep. Patrick E. Paradis  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Ronald L. Vigue of Berwick be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Ronald L. Vigue, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

March 29, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Margaret C. Kenney of East Winthrop, for reappointment to the Maine State Lottery Commission.

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

YEAS:	Senators	3
	Representatives	9

NAYS:	0
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ABSENT: 1 Rep. Jalbert of Lisbon

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Margaret C. Kenney of East Winthrop, for reappointment to the Maine State Lottery Commission be confirmed.

Sincerely,

S/Senator Zachary E. Matthews S/Rep. Charles R. Priest  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Legal Affairs has recommended the nomination of Margaret C. Kenney of East Winthrop be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Margaret C. Kenney, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

March 29, 1990

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

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Charles H. Milan, III of Brewer, for reappointment to the Maine State Liquor Commission.

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

YEAS: Senators 3  
Representatives 9  
NAYS: 0

ABSENT: 1 Rep. Jalbert of Lisbon

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles H. Milan, III of Brewer, for reappointment to the Maine State Liquor Commission be confirmed.

Sincerely,

S/Senator Zachary E. Matthews S/Rep. Charles R. Priest  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Legal Affairs has recommended the nomination of Charles H. Milan, III of Brewer be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Charles H. Milan, III, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator HOBBINS for the Committee on BUSINESS LEGISLATION on Bill "An Act to Define Severance Pay Liability in Business Combinations" (Emergency)

S.P. 946 L.D. 2396

Senator ESTY for the Committee on LABOR on Bill "An Act Concerning the Dismissal of Employees of a Corporation That Has Been the Subject of a Takeover" S.P. 945 L.D. 2395

Ought to Pass

Senator ESTES for the Committee on EDUCATION on Resolve, to Encourage the Study of the Nation's Founding and Related Documents by Maine Students S.P. 1000 L.D. 2472

Reported that the same Ought to Pass, pursuant to Joint Order S.P. 974.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws" (Emergency)

S.P. 940 L.D. 2378

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-638).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-638) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator HOBBINS for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Counseling Licensing Laws"

S.P. 730 L.D. 1929

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-640) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator HOBBINS for the Committee on BUSINESS LEGISLATION on Bill "An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers" (Emergency)

S.P. 934 L.D. 2365

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-641).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-641) READ.

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

Senator BALDACCI: Thank you. Mr. President, Men and Women of the Senate, certified public accountants, licensed in the state of Maine who perform appraisals of real estate, incidental to the performance of professional services they provide to their clients, are excluded from the provisions of this law. I just wanted to clarify that for the Record.

Committee Amendment "A" (S-641) ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Office of Substance Abuse"

S.P. 909 L.D. 2312

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-639).

Which Report was READ and ACCEPTED.

The BILL READ ONCE.

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

Senator BUSTIN: Thank you. Mr. President, Ladies and Gentlemen of the Senate, the Bill before you is called, in the vernacular, the single agency Bill for alcohol and substance abuse. I concur with this Bill. In fact, it was a Bill that I put in and was turned into a study.

There is one problem with this Bill. It addresses the dedicated revenue source of the premium Bill that we have, for ten years, given to this field. That issue was never in the original Bill, was never part of the study Bill. In this Bill, it asks for undedication of that fund and to assure that the monies that traditionally went to the dedicated account, as in what we are doing with Fisheries and Wildlife, cannot be funded from the General Fund less than the level of what the premium brings in. There is nothing wrong with that argument.

What is wrong is, and for ten years I have supported the third, or fourth, or fifth of state, whatever you want to call it on this third floor, the lobby. I think they perform a valuable function. In this instance, I am sadly disappointed in the process that was used to come to this Bill and to present this Bill to you. That's what I want you to know, that I think the process was violated. At least in my opinion, it was. I am not going to ask for a Division, or the yeas and nays, on this Bill. I am going to let the Appropriations Committee handle the issue of dedication and undedication and then deal with it later, but I was unwilling to let this Bill go by, under the hammer, without putting on the Record, my disappointment at the process and the way it was done. Thank you very much.

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

Senator BERUBE: Thank you, Mr. President. To respond if I may, I will say that the process was a very democratic one. The Committee reported this Bill after an extensive study that heard from all parties involved. It came out as a unanimous Committee report, which in our Committee, I'm told, is unusual. We have the support of the people who directly implement the programs with the clients. We have the support of the Association of Substance Abuse people. We have the unanimous support of the Regional Councils and untold numbers of other people. The Bill is fair. It's agreeable. It was the result of a compromise. There is no fiscal note, by the way. I think it was a good Bill and I simply want to state on the record that we worked very cooperatively with everyone involved.

Committee Amendment "A" (S-639) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

#### ENACTORS

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

An Act to Repeal the Homestead Exemption

S.P. 829 L.D. 2137

(H "A" H-988)

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

#### Emergency

An Act Increasing the Borrowing Capacity of the Mars Hill Utility District

H.P. 1795 L.D. 2462

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

#### Off Record Remarks

#### 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 the Tabled and Later (3/29/90) Assigned matter:

SENATE REPORTS - from the Committee on LABOR on Bill "An Act to Promote Economic Development"

S.P. 907 L.D. 2306

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

Minority - Ought Not to Pass.

Tabled - March 29, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator ESTY of Cumberland to ACCEPT the Majority Ought to Pass as Amended Report. (In Senate, March 29, 1990, Reports READ).

On motion by Senator ESTY of Cumberland, the Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-628) READ and ADOPTED.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby Committee Amendment "A" (S-628) was ADOPTED.

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

Senator WHITMORE: Thank you. Mr. President, I would like to request a Division. If you have not had the opportunity to take a glance at the original L.D. in this Committee Amendment, I'd like to point out a couple of facts with regard to the Committee Amendment which completely replaces the Bill in its entirety and some of the provision of this. I might like to quote from the Amendment itself, as we are preparing to adopt this Amendment.

I make reference to the fact that should this Amendment be adopted, that any business that you represent, and it wouldn't even have to be a business, it could apply to a university, I suppose, who would be an employer, that if, in fact, they receive any direct economic support from any entity, whether it come from the state, whether it come from the federal or whether it come from a local entity, such as a local revolving loan pool that a municipality might have, any type of financial payment, grant, loan or evidence of debt, loan guaranty, tax increment financing arrangement or investment tax credit to an employer, would have a period of time, both leading into the period of

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which they would accept a repayment of, let's say a loan.

If I can clarify that, if I was running a business and I received a ten year loan from the Lewiston-Auburn Economic Growth Council for an expansion in which I would add jobs, for a period of time, if this Bill passed, there would be three years prior to accepting the loan and three years after payment of the loan that I would have to hire any person that had worked for me for that three years prior to accepting the loan payment and I would have to advertise in the newspaper, within the county, for any person that had ever worked there and even if they left on their own, that I would, in fact, have to rehire, whether they were qualified or not, as long as they were trainable.

Who is to determine the training? If I determined the training and any employee who worked there wanted to challenge that, the final determination is made by the Attorney General. I guess I offer to you, is the Attorney General of this state, either present or in the future, the person that is qualified, equipped, or anything else, to determine who I, as an employer, shall hire and train? I happen to think not. I don't think that the Attorney General's office or the Attorney General, himself, knows more about who I should have employed by me or who I can train.

The fact that somebody leaves my employ voluntarily, under the provisions of this Bill, I would somehow have to notify that person, that we're going to create a new job, part-time or full-time, as long as it's 20 or more hours a week, that I would have to give them the opportunity to come back to work. I don't know how many companies in this state keep track of all the employees that come and go and how long it's required under the law to maintain that, but I don't believe it requires that it be currently maintained and a list of those employees be maintained for any length of time, a la this Bill.

The title of the Bill speaks to "An Act to Promote Economic Development". The title of the Bill is not in question, now, but I guess I would as soon as see it labeled "An Act to Prohibit or Impair Economic Development", because, certainly, that's what the Amendment certainly does. I would ask that you would vote against the adoption of the Amendment and, in fact, I would ask that you vote to kill the Bill.

Senator WHITMORE of Androscoggin requested a Division.

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

Senator ESTY: Thank you. Mr. President, Ladies and Gentlemen of the Senate, state government provides many forms of financial subsidies to businesses in Maine in an effort to improve or sustain its economy. One of the important reasons for this support is to assure that the men and women of the state of Maine can find and retain good jobs. By strengthening Maine's businesses we can strengthen the quality of life of Maine's citizens.

L.D. 2306 is intended to provide a guarantee that state support for businesses is not used to defeat the purposes of providing this support. It requires any business that accepts certain state economic support to offer any new jobs created by that company in Maine to its current employees or to recently laid-off employees. This ensures that state economic support is not used simply to increase business profits at the expense of jobs for Maine men and women. It is a very simple Bill. It is an attempt to encourage businesses in the state of Maine, that are provided economic support by the

state, to use the men and women of the state of the Maine whenever possible. Thank you, Mr. President.

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

Senator COLLINS: Thank you. Mr. President, Members of the Senate, when I saw the title of this Bill, I, like the good Senator from Androscoggin, Senator Whitmore, was sort of surprised to find that it came out of the Labor Committee. I would have, perhaps, expected that an economic development Bill might have gone to Housing and Economic Development. Then, on reading it, I began to understand, perhaps, the true intent of the Bill and I can tell you that it seems to me that it would act as a detriment to economic development not an encouragement.

I think we ought to note, in addition to state loans and guarantees that might be affected, this would also apply to municipalities. There are a number of municipalities that have revolving loan funds. They use these to encourage business that locates in that particular municipality. I can tell you that this would be a great discouragement to the municipalities that use this vehicle. It seems to me, that in an effort to re-employ existing or former employees that we have usurped the duties of management and we have, indeed, caused a severe detriment to any type of economic development in the state of Maine.

In addition to municipalities, I presume that this would affect loans that are administered by regional planning commissions, for example. It seems to me, that it's all encompassing. I hope that the Senate will reject this Bill. There is no good in it for economic development in the state of Maine. I am sure that it will be very difficult for any of us to swallow. Thank you, Mr. President.

On motion by THE PRESIDENT, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, I hope you will support this measure and vote affirmatively. I am waiting for the opportunity at Second Reading to offer an amendment to this Bill which, I think, will address some of the concerns of the sponsor and those putting forward the Bill and deal with some of the issues that I hear this morning. I will be supporting this Bill at its first reading and I hope that you will also support this Bill.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, I think that the concept of this legislation, as amended, is a good concept. Anytime corporations or businesses are getting extra money from the state they should have some consideration for the workers. I don't think there's anything wrong with that concept.

I think the problem is in the drafting of this document that poses so many problems along the way, as have been addressed here today, as to whether it includes governmental agencies or not, whether it includes certain types of businesses or not. I think the point of the legislation is going in the right direction.

The problem that I have with it is twofold. The recordkeeping requirement would impose on businesses that had no idea of a law that was being passed like this that may have, either using tax increment financing or loan guaranty ten years ago, would be required, my understanding of reading this legislation, to go three years before that and three

years after that. So, if you had a loan guaranty for ten years, you would be required to go three years before that and three years after that, which would be about sixteen.

I would submit to you, that it's very difficult, in business, to keep those kinds of records around for that kind of time and then, the requirement of advertising and then, ultimately, leaving the decision as to whether you did the right thing or the wrong thing with the Attorney General's office, not that I have any question about the capability of some of those people that are running for that office, but I certainly believe that we have enough to do trying to take care of our own store, without getting into everybody else's business.

The other point that I would like to raise is that, in some of the efforts to get people to support this measure, there have been people that made probably, very threatening remarks, to me, in regard to this legislation, which I didn't appreciate. Being on the other end of that a while ago, I can now understand and appreciate that. I don't appreciate people using those kind of threatening remarks. If anything, it has made me more adamant in opposition to this legislation and anytime, anybody says to me that if I don't do something, there's going to be problems for me, politically or personally, it makes me more stubborn and adamant to do the other thing that they wanted me to do. I would hope that those things would not happen in the future and not only in this Chamber, which it has not occurred in, but even in this building, because I don't appreciate it. I've been here for four terms and it is probably the worst thing that I've ever seen happen, in regards to this particular piece of legislation. While I agree with the concept, I don't agree with the way this Bill has been drafted and I will be supporting those that want to vote against this pending motion.

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

Senator ESTY: Thank you, Mr. President, Ladies and Gentlemen of the Senate, I would like to first say that I'm appalled that anyone would threaten or do the kinds of things that the good Senator from Penobscot, Senator Baldacci, suggested. Not a person in this room would condone those kinds of actions by any individual. I did want to state publicly for the record that I'm shocked and very, very disappointed that that could possibly occur. Let me just take a moment and explain more thoroughly, some of the provisions of this Bill, what it does do and, more importantly, what it doesn't do, just to correct the record.

What the Bill doesn't do includes not requiring employers to actually create new jobs. It does not require employers to do that as a provision of receiving money. It does not put any undue burden on small employers. The Bill only applies to employers of over 100 employees in the state. It doesn't require an employer to try and locate a current employee or to fill any new position. It doesn't require anymore than a newspaper advertisement for laid-off employees.

The burden is not on the employer, in reference to this legislation. The burden is on a past or present employee to seek out the position. An employer does not have to give a hiring preference to an employee who is not qualified to perform the tasks of the new position. He only needs to give a preference if the employee is as qualified as anyone else, plain and simple.

This Bill does not deal with supervisors in any fashion. It only deals with labor employees and not supervisors. Regarding the Attorney General's

office, the Attorney General will not be seeking to enforce this Bill except when violations have been brought to the attention of the Attorney General. An employee also cannot seek separate relief but can only do it through the Attorney General's office. If, in fact, a violation has been shown, then the only recourse, for the employee is, in fact, an opportunity to have the job that he should have. There is no other recourse. Thank you, Mr. President.

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

Senator DILLENBACK: Thank you, Mr. President, Ladies and Gentlemen of the Senate, there must be something I'm missing here. Listening to this debate, why do we want to put any more burdens on the business in the state of Maine? It seems to me if we have over 100 employees, we have laid off some for some reason, we have a loan and we're trying to do a good job in this state, we're certainly going to try to take back the people who are qualified, the people who have already had training. They aren't going to go out of state to hire people. What if there is somebody you don't want to take back? Perhaps you need somebody you knew was fresh on the job. It's difficult to run a business without being handicapped every time you try to make a turn. I think this is a ridiculous Bill. I don't even know why we're even considering it. Isn't free enterprise what we're interested in? Aren't we to allow the business people to run their own business? Thank you.

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The President requested the Sergeant-At-Arms escort the Senator from York, Senator DUTREMBLE, to the rostrum where he assumed the duties as President Pro Tem.

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

The Senate called to order by the President Pro Tem.

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

Senator PRAY: Thank you, Mr. President, Ladies and Gentlemen of the Senate, I wanted to take this opportunity to speak to you as the Senator from Senate District 5, which includes a number of communities in this state that have seen a drastic and traditional change to the source of employment opportunities that they have enjoyed for a number of years. Probably because of having the unique opportunity of observing that, to some degree, on a close-up perspective, I have a little bit different perspective than probably the good Senator from Cumberland, Senator Dillenback, who wonders, whether or not, we should let the free enterprise system work.

Probably, what we really should be doing here, is abolishing government, because government only impedes business. It doesn't provide any protection to the people of this state. If we let free enterprise operate, and if we let businesses just do what they want to, they would take care of the people that they employ. Of course, we saw that in the South in the 1860's and the 1850's and the 1840's and though the situation here, by no stretch of the imagination, is that bad, we have been spending a fair amount of time discussing the economic condition of this state. We're concerned about what it is we're going to do with the limited tax dollars that we have, making the tough decisions, prioritizing how we spend those monies.

As I look at the attempts we have made to provide economic assistance and financial support, to

businesses to encourage them to promote the economy of this state, to provide jobs for Maine people, I see we have passed a large number of tax advantages and tax incentives for businesses to do that. As of late, and almost always, when we discuss or propose legislation, it's not because Maine businesses are bad, that employers mistreat their people, but we do it because a few people do. We attempt to protect the masses by what a few individuals have the tendency to look at as their private reserve, as their disposable resources.

Increasingly, I'm of the opinion that in some instances, it's our human resource, our human capital, that is becoming an expendable resource to people who are becoming slowly, further and further from the mainstream of our state, of sharing with us the community and the quality of life that we have, of going to churches with us, going to schools with us, going to schools with our children. They are people who are in towers in large metropolitan areas to the south who say that well, here's what the bottom line is. Here's how we can best turn a profit. The situation that I'm seeing in my own home community over the past several years is an increase of out of state license plates - Arkansas, Mississippi, Georgia. I'm seeing more and more of the people that I grew up with that I used to work in the paper mills, I'm seeing more of those people unemployed, not being able to find jobs. Even the construction jobs, non-union jobs which used to be union, which they used to do everything in house has been changed.

I understand the economic realities of world competition and the need in this global economy to compete. But the question we have to ask ourselves in this state, as we debate the budgetary priorities, is, are we going to take the limited tax dollars that we have that we provide to businesses as incentives to expand and to grow in Maine and attach some caveats to that? A caveat such as, think of Maine people first, think of the people you've laid off, people who are qualified, because it calls for qualified people or people that can be trained to be qualified, at the same time that we're providing tax dollars to train people. Well, I hate to tell you, but in some instances, we're spending Maine tax dollars to train people from out of state while Maine people go unemployed.

Now, we discussed and debated in this Chamber, the STAR program, ASPIRE. We talked about the hopes and the aspirations of Maine people and what is it that we're going to do to help them? We all talked about our concerns for these people. They're our constituents. They're people we were elected to protect and to represent. The proposal that you have here, while you're free to have your own opinion as to whether it's advantageous or disadvantageous, it disturbs me at some of the comments in the desire to protect the free enterprise system to let the corporate decision makers make the decisions without any consideration to those people that we were elected to represent.

We may have some legitimate disagreements on how to best approach it. I agree with the concept, but this isn't the proposal. Well, that's a good way to kill most proposals, too, instead of offering alternatives or suggestions. This proposal, that is before you today, is a Committee Amendment that strikes out the entire Bill in an attempt to keep that concept that I, as a sponsor of the Bill, presented originally. It was done willingly because I recognize that it's something we're attempting to do.

Let me point out a few examples to you that we've all probably experienced or at least we're aware of. A couple of years ago, Ames decided to buy out Woolco's. Now, the Senator from Aroostook, Senator Collins, I think, in the City of Presque Isle, there used to be an Ames and a Woolco's store. Now there's only one. The other one was closed down and all the people in the other store were laid off. I guess that promotes economic development, good free enterprise. The question of the merger was, was it to increase profits, because did Maine people have more money to spend? Do the people in Presque Isle that were laid off have additional dollars now to spend in the economy to go across the street to the other store and to buy more goods? Well, the economic reality is that the Woolco's stores were in financial trouble. Probably the merger would have had to take place.

But, if we're going to turn around and provide Ames with some type of economic tax dollar help, then this Bill says, you look at Maine people first. You look at the people who used to work for you and if they're qualified and if they're trainable, then you give them the first shot at the job, if they come back and ask for the job.

Now, the Senator from Penobscot, Senator Baldacci talked about his concerns of additional bookkeeping. Well, I run a business and I do all my book reports and I'm required by law to keep my books and records of my employees longer than this provision calls for, so that's already being done. We're already required to do that. This is not an additional requirement. It doesn't require that you go out and search these people down. It requires those people to come back.

There is another distinct difference from those of us in the northern part of the state to those of us who are in the southern part of the state. In Millinocket, if you lose a job, the next major labor market is Bangor, 78 miles one way. If I was the Senator from Cumberland, Senator Dillenback, and I wanted to go 78 miles in a radius of his district, he'd probably have 25% of the state's population and I don't know what percentage of the state's economic opportunities that would exist, but obviously, that would include well into York County and up into the Augusta area and probably close to the Waterville area. For my people to go that distance, to go 78 miles to the north, they'll include the good Senator from Aroostook, Senator Ludwig, up in the Houlton area, but we won't get to Presque Isle and we'll get down as far south as the Bangor area. We won't even get over into the Washington County area of its major industrial areas of Woodland, Calais, the Machias, so it's a distinct, obviously, different area.

I offer that only as a perspective in which I offer this proposal. But I come back to the primary objective of this. In tough financial times, when businesses are laying off hundreds of people around this state, do we want to give those people the first shot at their hard earned tax dollars that they contributed to this state while they were employed, for the new and expansion opportunities for businesses, all of the incentives that we give them? The answer to that question, in my mind, is how you vote on this proposal.

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, I appreciate the remarks of the President of the Senate, the Senator from Penobscot, President Pray, but some of the concerns that even members of the Labor Committee, myself included, have are issues which I hope can be addressed if I get an opportunity to offer my

amendment. The concerns for those that brought forward this Bill, I think, are good ones. What do you do with those workers that were adversely impacted by corporate decisions made, many times, hundreds of miles away from the state of Maine that impact Maine people?

It reminded me of the issue that we had in this Body a few years ago where, in dealing with a railroad company in the state, many workers were displaced and laid off because of restructuring of a the railroad company. This Legislature, unanimously passed the Railroad Equity Act, which was signed by the Governor and is now Maine law, which gave the first right of hire to displaced workers, to laid-off workers. I think that may be the way to go. If the first right of hire, if the jobs are not available, then retraining for new jobs. I think that's called social conscience, socially responsible businesses. I think 99% of our business community are socially responsible people.

If we have an opportunity today, it seems to me, to amend this Bill and to take away the sanctions, the punitive kinds of provisions that, again, I understand what those that have drafted this legislation are after, but to remove those kind of punitive sanctions and talk about giving the first right of hire to affected employees in mergers and takeovers and if that doesn't do, then giving some monies for retraining, we've done that before. I don't know why we can't do that again. I'm in a funny position here. I want to get an opportunity to offer my amendment and see how it is received in this Body, so I don't want to see this measure killed this morning.

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

Senator CAHILL: Thank you, Mr. President. I wish to pose a question through the Chair to anyone who may answer.

THE PRESIDENT PRO TEM: The Senator may proceed.

Senator CAHILL: Thank you. Mr. President, Ladies and Gentlemen of the Senate, my question would be, under this legislation, what would happen if an employee voluntarily left the employment of a company that qualifies under this legislation, perhaps for a better offer, or something such as that, and then decided they couldn't cut it with the better offer and after six months wanted to come back, would that company be obligated to reserve a position for that person as well?

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

Senator ESTY: Thank you. Mr. President, Ladies and Gentlemen of the Senate, the intention of the Bill is to deal with only people who have been recently laid off and to deal with existing employees. Thank you.

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

Senator WHITMORE: Thank you, Mr. President. I can appreciate the good Senator from Cumberland, Senator Esty's, remarks with regard to what the intent is.

However, the language doesn't read the same as the intent. It may be designed but the language does not say laid-off employees. It makes reference to an existing employee. An existing employee is any individual who is employed in this state by an employer receiving direct economic support. That would be the one in question. Unless discharged for good cause relating to the individual's job performance, any individual who is an employee of the company for at least six months, at this facility, and was an employee at any time the employer received

the direct economic support or who was an employee of the employer for at least six months at the facility within three years before the employer's original receipt of the direct economic support. It doesn't say anything about laid-off. The person could have left voluntarily. As long as they had worked there for six months, anytime in the three years preceding the receipt of the grant or loan, then they would be considered an existing employee and therefore, could return and could be put into a preferred status. It may have been the intent, but that's not the language.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, I want to make this very clear, that I do not share the comments of the good Senator from Cumberland, Senator Dillenback, when he talks about free enterprise.

The issue here is taxpayers' monies and guarantees that the companies are utilizing the good faith and credit of the state to get a lower interest rate than they otherwise do get, if they did go to a bank and operate in a free enterprise situation. The concept is not a bad concept. If you're going to be having your hand in the treasury till, then there should be something there that the people of the state of Maine, some type of reciprocal, it's not just a one-way street.

The problem I have with the drafting of this legislation is the run through. For example, say I had 100 people, and I had a tax increment financing or a loan guaranty to buy an ice machine and I was going to expand the duties of somebody seating parties. All of a sudden I was going to say, you're going to bus tables. The way I'm reading this is that not only would I have to wait and instead of expanding their duties, I would have to first, since I started my tax increment financing or loan guaranty, go back to the year that I started doing it and then three years prior to that and find my employment records. Then I need to find out in my employment records, for those past 13 years, maybe, exactly who was here that I discharged that would be capable for this job. Who is the possible pool of applicants? Then I would be forced, once I had that down, to put in a newspaper ad in the counties in which I do business. I would have to wait and see what happened with that ad and once I made a decision, if the person who I didn't select for the job is upset, they could go to the Attorney General's office and the Attorney General's office could be the one that could be reviewing the decision making, as to whether I made the right decision or not. If he determines that I made the wrong decision in whatever way it was, I have voided, for whatever number of years that I started loan guaranty or tax increment financing or whatever it is, to have that thrown right out the window. That's my penalty.

I think that the drafting, and this is why it is not an attempt to just kill the Bill, but it is a sincere belief that the way this is drafted is not getting at the concerns that the good Senator from Penobscot, Senator Pray, is underlining and I can commiserate with him. I think we all can commiserate with him, in exactly the situation that he's discussing. I have no problem with that concept. It's just that the way this is drafted, I have a problem supporting it. I just wanted to make that clear.

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

Senator ESTY: Thank you. Mr. President, Men and Women of the Senate, just a brief clarification so

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that there is no misunderstanding. If an employee is discharged or fired, then they would not fall under the requirement of this Bill. Firing or discharge because of just cause or good cause would pre-empt them from being re-employed under these provisions. I think that that was an important distinction that we made. Thank you.

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, with the good remarks that have been made by the Senator from Penobscot, it seems to me that, maybe, we have an opportunity here to clarify some language and misunderstanding. I believe that if we had a little more time, possibly, we might be able to put something together that would be received favorably in this Body. I know we're down to the last few days here but, legislation, such as this, takes time to put together. I guess if someone were to move for tabling, it might be appropriate.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (S-628) (Roll Call Ordered).

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

The Sergeant-At-Arms escorted the Senator from York, Senator DUTREMBLE to his seat on the Senate floor.

Senate called to order by the President.

Off Record Remarks

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

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

The Senate called to order by the President Pro Tem.

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

SENATE PAPERS

Bill "An Act to Allow the Maine Health Care Finance Commission to Make Individual Hospital Development Account Interim Adjustments"

S.P. 1001 L.D. 2482

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

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later (3/29/90) Assigned matter:

Bill "An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as LottoAmerica, for the Purpose of Operating a Joint Lottery"

H.P. 1711 L.D. 2362

(C "A" H-972)  
Tabled - March 29, 1990, by Senator PEARSON of Penobscot.

Pending - Motion of Senator BALDACCII of Penobscot to ADOPT Senate Amendment "C" (S-630) (Division Requested)

(In House, March 27, 1990, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, March 28, 1990, Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED in NON-CONCURRENCE. Senate Amendment "C" (S-630) READ.)

Senator BALDACCII of Penobscot requested and received Leave of the Senate to withdraw his motion to ADOPT Senate Amendment "C" (S-630).

On motion by Senator PEARSON of Penobscot, Senate Amendment "D" (S-632) READ.

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

Senator PEARSON: Thank you, Madam President. This Bill does offer a chance to have a hearing on Lotto America.

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

Senator BALDACCII: Thank you, Madam President, Members of the Senate, just to refresh your memories on this particular matter that we were dealing with before we adjourned last week. This amendment incorporates all of the concerns and is a good amendment. It addresses the issues that were going to be addressed in the amendment that was going to be offered by others. It is doing all of those things and should be supported.

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

Senator MATTHEWS: Thank you, Madam President. We went through the alphabet of amendments and the symbols. I would like to call the Bill a dead duck but I won't have that opportunity probably today. I would share with the Body, just an editorial that I found especially on target from the Portland Press Herald. This editorial, I think, sums up my concerns and I think other members of this Body.

"The Governor is playing tough with lawmakers. They turned down, as the House did Tuesday, his proposal to join Lotto America. He has no back-up plan. The result, the Governor says, would be even more state employee layoffs than are now contemplated. That threat may force reluctant legislators to support this scheme. Nevertheless, lawmakers should approach Lotto America, a game that now includes nine states and the District of Columbia, with considerable caution. The Governor's belief that Lotto America will generate an additional \$7 million a year in state revenues is built on hazy estimates and the belief that Mainers will automatically increase the amount of money they play and spend on lottery tickets. That's a questionable assumption. Mainers last year spent \$96.3 million on lottery tickets, including Tri-State Megabucks. To raise \$7 million in new state revenues, Mainers would have to plunk down an additional \$22 million on Lotto America. Maybe they will, but the average Maine adult, those below the age of 18 can't buy tickets, now spends nearly \$107.50 a year on the lottery. That's hardly hay. To reach the governor's estimate, lottery spending would have to rise to \$132 per adult, an increase of nearly 23%. Plainly, the Governor's estimates are founded in the belief that the appetite of Mainers for lottery tickets is nearly insatiable. At some point, lottery players must make an economic decision as to buying even more tickets or spreading the same amount of money between Megabucks and Lotto America. In short, lawmakers shouldn't be persuaded to join Lotto America, solely

on the promise of a \$7 million return. They could well end up like a vast majority of lottery players, sorry losers."

Well said. Thank you.

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

Senator PRAY: Thank you. Madam President, Ladies and Gentlemen of the Senate, again, as the Senator from Senate District 5, I'd like to pose a question through the Chair to some of the membership that is supporting the lottery proposal that is before us.

While the good Senator from Kennebec, Senator Matthews, has relayed to us an editorial, I think that the editorial is rather inaccurate. I guess I'd like to have some direct, specific information, maybe either from those on Legal Affairs that support it, or the members of this Chamber that support it, as to what the operating costs, the administrative costs, are, what the total actual dollars has been calculated, that has to be spent by Maine people, purchasing tickets in the state of Maine, to raise the \$7 million. That information was given to, maybe, either Legal Affairs Committee or those who have said this is the way to go, as to how this raises \$7 million.

I raise that question because my understanding is that the State Lottery Commission said this would only raise \$4.6 million. Since we're saying it's not 4.6, but it's 7, then I think there needs to be some clarification because of those who are here supporting this because we absolutely positively have to raise the \$7 million this way. This is the best way government can come up with raising the needed monies it needs to provide the services to the people of our state. Is it \$7 million or is it \$4.6 or is it just a gamble?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Pray, has posed a question and a request for clarification to any member of the Senate who may wish to respond. The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you. Madam President, Ladies and Gentlemen of the Senate, I can give you all sorts of figures and nobody likes to hear figures, but I will say this, if we sold \$192,308 a week, we would raise \$3,649,000 a year, roughly. If we sell \$296,788 worth of tickets, we would raise \$5,988,000. If we sold \$346,154 in a week, we would raise \$7,093,851.

The costs of running this operation is very similar to Megabucks. The prize pool is 45%. The vendors' fee is 3.44%. The reserve account is 3.39%. The agent's commission is 5%. Advertising is 3.5% and so forth. I think that answers your question. If you want to raise \$7 million, you've got to sell \$346,154 a week. If you want to raise \$5,988,000, you have to sell \$296,788 per week. If you want to raise \$3,649,000, you have to sell \$192,308. So, roughly it runs from \$200,000 to \$346,000. If you sell the \$346,000, you'll raise \$7 million.

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#### Off Record Remarks

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

Senator MATTHEWS: Thank you. Madam President, Men and Women of the Senate, just to share a few more statistics or figures, and I appreciate the question from the President, the good Senator from Penobscot, Senator Pray. The Governor's projection makes the

optimistic assumption that virtually everyone who now plays the state's current games will spend yet another dollar to play Lotto America. In fact, it has been estimated that every person in Maine, every person in Maine, would have to buy at least 18 tickets next year to meet the cost, the projected \$7 million that has been quoted about these hot, hallowed halls. Madam President, I would ask for the Indefinite Postponement of this Bill and all Accompanying Papers.

THE PRESIDENT PRO TEM: The Chair would remind the good Senator from Kennebec that the motion to adopt takes precedence. The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Madam President and Members of the Senate, in response to the question regarding how much money might be obtained in FY '91, I would like to quote from a letter written to the House Chair of the Appropriations Committee, in which he responds to the apparent dilemma between \$4.6 million and \$7 million.

It says, "Yesterday, Mr. Wallace Sewall made a statement, in which he indicated that revenues for Lotto America would be \$4.6 million for FY '91, if the game were not brought on line until October of 1990. Mr. Sewall did not offer his earlier estimate that Lotto America can be expected to generate \$7 million in its first 12 months of operation, but he indicated his uncertainty over whether Scientific Games, the organization which Maine would contract with to run the Lotto America game, would be willing to bring the game on line before October. Given the importance of the revenues from Lotto America to the fiscal '91 budget, we have asked for and received assurances from Scientific Games that they will be able to have Lotto America up and running in July, as previously planned. For that reason, the \$2.4 million shortfall you referred to in your letter does not, in fact, exist. Thank you, Madam President.

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

Senator PRAY: Madam President, the more I hear about it, the more confused I get and I apologize because I want to know what I'm voting on because maybe you can convince me that my thoughts are wrong. The Senator from Aroostook, Senator Collins, has made reference to a letter which I had not been subject to before and I appreciate him sharing that with us. Obviously, the intent of debate is to provide the opportunity for membership to be totally informed on these issues.

My confusion, I guess, comes from, obviously, we talk about start-up time. We realize that there's going to be additional costs. The expectation is the game would start off slow and as people got used to it, they would find this extra \$22 or whatever it is to spend during the year on it. Obviously, the track record shows that as the Tri-State Megabucks gets bigger, people have a way of finding additional dollars to spend. If I do a quick calculation, on the \$4.6 million being from October through June 30 of the following year, that's nine months, so we're talking roughly half a million dollars a month that would be picked up. There must be an expectation that somewhere through the year that's going to improve, that people are going to be buying and selling more tickets, because a half million wouldn't bring in \$6 million. Now, we're a million dollars short.

So we've gone from the \$4.6 to the \$7 million that's in the budget. That's what concerns me. I see us slowly getting into a situation that was very similar to, prior to myself being elected in the 106th Legislature, when the 106th Legislature passed

the Educational Reform Act and they said, don't worry, the 107th Legislature will find the money. We'll balance the budget. We'll do a little smoke, mirrors and a few other gimmicks here and we'll just say that this is what it would bring, though we can't justify it in the true sense. As a matter of fact, at a particular leadership meeting, when it was inquired of the Governor as to how he came up with the money, he made believe he had taken a coin out of his pocket, flipped it and landed it on his wrist and said, well, that's what we needed.

That makes me a little suspect as to the type of financing that's going on. If it's the \$7 million, then I still don't feel comfortable that this proposal, if it doesn't go on line until October or even if it comes on line, obviously, we don't know the fate of it through the legislative process, but if it does go through, I doubt very much it will have an Emergency, so it would probably be the first of the fiscal year. I still don't see how the Appropriations Committee is going to be able to count on the \$7 million and I would inquire, probably of them, as to whether or not the Legislative Finance Office has verified those figures or do they feel uncomfortable with the \$7 million figure. These are the people we have to rely upon. They have to take out the smoke. They have to interpret what's in the mirrors and so forth and say, is this real or unreal?

I have some legitimate concerns that a number of us are hanging our hats on something to get us out of a ticklish situation of financial concern and we'll do it by hook or by crook or whichever way we can do it, just so we can alleviate this particular problem. Those who will be elected in the fall of this year, come in in the 115th, will then be faced with even greater financial problems. Obviously, I'd have to say, as an individual who's opposed to the lottery, I recognize the fact that if we don't pass the lottery, then we have to find additional monies. I think if we pass the lottery, we have to find additional monies, because I don't think the \$7 million fiscal note is proper. I think it is a deception to the people of this state and I try to say that with sincerity without meaning in anyway to imply that somebody is being deceitful. I do think it is deceptive.

I think that we need to make prudent, cautious decisions as we attempt to balance the budget in the next several days. I think we have to make some real tough choices. That's what running for public office is all about, making those difficult decisions as to, is this the best way? Is this the proper way?

My position is, this is not how we should be balancing our state budget. This is not how we should be meeting the fiscal needs of this state. If the needs aren't there, then let's cut them. Let's cut the budget, if there's fat. I don't think there's a lot of fat in the budget. I appreciate the work that the Appropriations Committee has done, the grueling weeks they have gone through in attempting to find places to cut. It's a question of prioritizing. What can we do? What can't we do? If we come to a decision, that there are needs of this state, then how do we best meet those needs? How do we best fund them? I don't think that this lottery proposal, with the figures that we've been hanging our hats on, is correct. I think we're going to have to respond and answer to that decision. So, if someone with a connection to the Legislative Finance Office could tell me if they're comfortable with these figures, I'd appreciate that.

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

Senator PEARSON: Thank you. Madam President, Men and Women of the Senate, the Finance office accepted the figures of the Governor's office as to its possible revenue increase for the state of Maine. That was submitted at \$7 million.

At the request of Senator MATTHEWS of Kennebec, a Division was had. 24 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot to ADOPT Senate Amendment "D" (S-632), PREVAILED.

Senator MATTHEWS of Kennebec moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator MATTHEWS: Thank you, Madam President. In response to one of the inquiries, one of the very good inquiries by the Senator from Penobscot, Senator Pray, I would just point out for the Body's interest today, that in the words of the Finance Commissioner, Mr. Millett, before the Legal Affairs Committee, with respect to Lotto America, that in his statement to the Committee, this was not seen as a revenue generating measure.

When it was first brought up, ladies and gentlemen, it was not seen as a revenue generating measure. Only until the deficit kept increasing, the shortfall figure kept going up, was it entertained in any capacity as a revenue generating measure. Ladies and gentlemen, I really have a hard time with an Administration on the second floor that wishes to try to deal with a shortfall by postponing the inevitable, postponing programs, postponing commitments made to citizens, postponing property tax relief, postponing the health care program and now, attempting, with that insult, to add gambling and furthering the state down the road to gambling with this measure.

That's what we're talking about here today and I have a hard time with that message from the second floor. I hope you will reconsider your decision on this measure. Let's do what's right. I've had many citizens talk to me in my Senate District and what they tell me is cut the budget. If you've overspent the budget, then cut the budget. I hope the Governor on the second floor hears that message. Let's make the cuts that are appropriate, but let's not attempt to gamble our way out of a deficit. Poor public policy.

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

Senator BALDACCI: Thank you. Madam President, Members of the Senate, I would like to just, very briefly, respond to the comments by the good Senator from Kennebec, Senator Matthews.

I don't feel that it's in the Senate's best interest to do away with this vehicle for \$7 million. I think that when we look at the budget and we're trying to get to \$210 million, realizing the hardships that have been placed on the VTI's or the Universities or on the Maine Health Plan or whatever else, those hardships that have been placed, those cuts that have been made, even those cuts that have been proposed by different committees, we still need this vehicle of \$7 million. We still need this.

It reminded me of the story about the University of Maine's men's swimming team being cut up at the University. When I asked about if we cut this \$7 million out of the budget, we may lose women's swimming. As a matter of fact, we'll probably be lucky to have water in the pool. I think the concern that we all share is the fact that, hey, we've got to be responsible here and no, it's not the most popular idea down the pike, but there are a lot of things

here that we have to do that people aren't able to see the benefits of. That's why they elect us, to come down here and to pore through this stuff and to make the right decision. It's not always popular, and believe me, Lotto America is not popular. The fact of the matter is that there are a lot more things that could be done without that as a vehicle that would be a lot more unpopular than that. So what I would encourage the Senate to do is to vote against the pending motion for indefinite postponement and to send this Bill to the other Chamber where I would encourage you to vote against the pending motion for indefinite postponement. Thank you, Madam President.

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

Senator PEARSON: Thank you. Madam President, Men and Women of the Senate, since the Senator from Kennebec, Senator Matthews, has asked for a Roll Call, I find it necessary to rise and explain my vote. I do not favor Lotto America, but I do find it necessary. I do not enjoy voting for it, but I find it, in my view, responsible. Because there is a Roll Call requested by Senator Matthews I wanted to make sure that if people in the future read my record, they would understand why.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator BRAWN

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "B" (S-629) READ.

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

Senator GAUVREAU: Thank you. Madam President, Men and Women of the Senate, I, like many of my colleagues in this Chamber, have some reservations regarding adopting into law, Lotto America, or using that modality as the basis for enhancing our revenues. I find myself in concurrence with my friend and colleague from the county of Penobscot, Senator Pearson, that we do need to enact this legislation, unless we are able to find the political will to exact other cuts in our state budget.

Therefore, I am offering Senate Amendment "B", which would provide a sunset of three years on Lotto America. I have expressed, in this Chamber, my preference for a more progressive means of raising

funds, to effectively shift the burden of financing government from lower and middle income populations to more affluent populations. I believe, that in the next two or three years, that will be a primary responsibility of policymakers in state governments.

In the meantime, we have to keep the store open. We have to provide fundamental, necessary services. In the week or so that has elapsed since we were last in session, there have been many worthy pleas visited upon the members of the Joint Standing Committee on Appropriations and Financial Affairs to restore funds to necessary social services. We're all aware of that. Yet, when other members of our Chamber have come forward with proposals, to cut back other departments of state government, they are met with incredulity. They are met, in some cases, with ad hominem attacks on their character and their wisdom.

It seems to me when we function in this type of environment, we have to sit back and discern what is practical. What can we do in the short time left before us this session? Therefore, I am offering for your consideration, Senate Amendment "B", which would, in fact, sunset Lotto America for a period of three years.

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

Senator BALDACCI: Thank you. Madam President, Members of the Senate, very briefly, the sunset provision that has been offered by Senator Gauvreau is a very good amendment, in that it allows for the Legislature to review this after a period of operation to complement the amendment that was offered by the good Senator from Penobscot, Senator Pearson. I would encourage the adoption.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "B" (S-629) ADOPTED.

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

Sent down for concurrence.

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The Chair laid before the Senate the Tabled and Later (3/29/90) Assigned matter:

An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources

H.P. 1243 L.D. 1734  
(C "A" H-975)

Tabled - March 29, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-975), in concurrence.)

(In House, March 29, 1990, PASSED TO BE ENACTED.)

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

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The Chair laid before the Senate the Tabled and Later (3/29/90) Assigned matter:

An Act Creating the Long Pond Water District

S.P. 916 L.D. 2322  
(C "A" S-606)

Tabled - March 29, 1990, by Senator CLARK of Cumberland.

Pending - ENACTMENT  
(In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-606), in concurrence.)

(In House, March 29, 1990, PASSED TO BE ENACTED.)

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

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

Bill "An Act to Regulate the Handling of Manure"  
H.P. 1575 L.D. 2182  
(S "A" S-599 to C  
"A" H-910; H "A"  
H-946 to S "A"  
S-565)

Tabled - March 29, 1990, by Senator PEARSON of Penobscot.

Pending - Motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE Bill and Accompanying Papers  
(In House, March 14, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910).)

(In Senate, March 15, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AND SENATE AMENDMENT "A" (S-565) in NON-CONCURRENCE.)

(In House, March 19, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AND SENATE AMENDMENT "A" (S-565) AS AMENDED BY HOUSE AMENDMENT "A" (H-946) thereto, in NON-CONCURRENCE.)

(In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-599), thereto AND SENATE AMENDMENT "A" (S-565) AS AMENDED BY HOUSE AMENDMENT "A" (H-946) thereto, in NON-CONCURRENCE.)

(In House, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-599) AND HOUSE AMENDMENT "A" (H-1033) thereto, AND SENATE AMENDMENT "A" (S-565) AS AMENDED BY HOUSE AMENDMENT "A" (H-946) thereto, in NON-CONCURRENCE.)

(In Senate, March 29, 1990, the Senate RECEDDED.)  
At the request of Senator TWITCHELL of Oxford, a Division was had. 3 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

On motion by Senator TWITCHELL of Oxford, the Senate CONCURRED.

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

#### COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

April 4, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Dr. Carol A. Eckert of Windsor, for reappointment to the Board of Pesticides Control.

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

YEAS: Senators 3  
Representatives 9

NAYS: 0  
ABSENT: 1 Rep. Sherburne of Dexter

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Carol A. Eckert of Windsor, for reappointment to the Board of Pesticides Control be confirmed.

Sincerely,

S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Agriculture has recommended the nomination of Dr. Carol A. Eckert of Windsor be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators None

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. Carol A. Eckert, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

#### COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

April 4, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Dr. Richard H. Storch of Orono, for appointment to the Board of Pesticides Control.

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

YEAS: Senators 3

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

YEAS:	Representatives	9
		0

ABSENT: 1 Rep. Sherburne of Dexter  
 Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Richard H. Storch of Orono, for appointment to the Board of Pesticides Control be confirmed.

Sincerely,  
 S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy  
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Agriculture has recommended the nomination of Richard H. Storch of Orono be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator PEARSON

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Richard H. Storch, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 COMMITTEE ON EDUCATION

April 4, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Richard H. Campbell of Brewer, for appointment to the Maine Technical College System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this

nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
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Representatives	9
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NAYS:	0
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ABSENT: 1 Rep. Paradis of Frenchville

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard H. Campbell of Brewer, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Sincerely,

S/Sen Stephen C. Estes S/Rep Nathaniel J. Crowley, Sr.  
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Education has recommended the nomination of Richard H. Campbell of Brewer be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator PERKINS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Richard H. Campbell, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 COMMITTEE ON EDUCATION

April 4, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of James W. Donovan of Scarborough, for appointment

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

to the Maine Technical College System Board of Trustees.

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

YEAS: Senators	2
Representatives	9

NAYS: 0

ABSENT: 1 Rep. Paradis of Frenchville

ABSTAINED: 1 Sen. Gill of Cumberland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James W. Donovan of Scarborough, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Sincerely,

S/Sen Stephen C. Estes S/Rep Nathaniel J. Crowley, Sr.  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Education has recommended the nomination of James W. Donovan of Scarborough be confirmed.

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

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

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

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

Is the Senate ready for the question?

Senator GILL of Cumberland requested and received Leave of the Senate to be excused from voting, due to the appearance of a possible conflict of interest.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators None

EXCUSED: Senator GILL

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of James W. Donovan, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

April 4, 1990

The Honorable Charles P. Pray

President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Fred Kahrl of Arrowsic, for reappointment to the Maine Technical College System Board of Trustees.

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

YEAS: Senators	3
Representatives	9

NAYS: 0

ABSENT: 1 Rep. Paradis of Frenchville

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Fred Kahrl of Arrowsic, for reappointment to the Maine Technical College System Board of Trustees be confirmed.

Sincerely,  
S/Senator Stephen C. Estes S/Rep. Nathaniel J. Crowley, Sr.  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Education has recommended the nomination of Fred Kahrl of Arrowsic be confirmed.

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

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

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

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

Is the Senate ready for the question?

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

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator PERKINS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Fred Kahrl, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE  
April 4, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Gene L. Brown of Lisbon Falls, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS:      Senators	3
Representatives	10
NAYS:	0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gene L. Brown of Lisbon Falls, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Senator Edgar E. Erwin      S/Rep. Paul F. Jacques  
Senate Chair                      House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of Gene L. Brown of Lisbon Falls be confirmed.

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

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

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

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

Is the Senate ready for the question?

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

ROLL CALL

YEAS:      Senators	None
NAYS:      Senators	ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBINS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PRAY, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, PRESIDENT PRO TEM - NANCY RANDALL CLARK

ABSENT: Senator PERKINS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Gene L. Brown, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE  
April 5, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Carroll T. Cutting of East Sebago, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS:      Senators	3
Representatives	10
NAYS:	0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carroll T. Cutting of East Sebago, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Senator Edgar E. Erwin      S/Rep. Paul F. Jacques  
Senate Chair                      House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of Carroll T. Cutting of East Sebago be confirmed.

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

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

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

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

Is the Senate ready for the question?

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

ROLL CALL

YEAS:      Senators	None
NAYS:      Senators	ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBINS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PRAY, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, PRESIDENT PRO TEM - NANCY RANDALL CLARK

ABSENT: Senator PERKINS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

ACCEPTED and the nomination of Carroll T. Cutting, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE

April 4, 1990

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of C. Thomas Jagger of Sanford, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS:	Senators	3
	Representatives	10
NAYS:		0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of C. Thomas Jagger of Sanford, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Senator Edgar E. Erwin      S/Rep. Paul F. Jacques  
Senate Chair                          House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of C. Thomas Jagger of Sanford be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:      Senators None

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

ABSENT: Senator PERKINS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of C. Thomas Jagger, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 5, 1990

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Cheryl H. Russell of Lincoln Center, for appointment to the Board of Environmental Protection.

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

YEAS:	Senators	3
	Representatives	9
NAYS:		0

ABSENT: 1 Rep. Gould of Greenville

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Cheryl H. Russell of Lincoln Center, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Judy C. Kany      S/Rep. Michael H. Michaud  
Senate Chair                          House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator PEARSON: Madam President, I would like to inquire as to where this nominee is from.

THE PRESIDENT PRO TEM: The Chair would respond, per the supplement, that the nominee is from Lincoln Center.

Senator PEARSON: I am aware of what it says on the supplement but I am in doubt as to its accuracy.

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

Senator WEBSTER: Madam President, I would only add that the point made by the Senator from Penobscot is probably accurate. I understand this nominee comes from Chester. Her mailing address would be Lincoln Center.

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

Senator PEARSON: Madam President, I represent Lincoln Center. I was not informed of this appointment by either the Governor's office or the Committee. Senator Pray, from Penobscot, represents Chester. He was not informed either. I know, or at least I thought I knew, that this particular individual came from Reed Plantation which is in Senator Ludwig's Senate District and I would like to know which of the three is the truth.

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

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

Senator LUDWIG: Thank you, Madam President. I believe that the lady in question lives in Chester, works in Mattawamkeag or in Maquahoc, rather, and therefore, I have no objection to sharing you with her.

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

Senator PEARSON: Madam President, Senator Ludwig and I both have had occasion to represent those towns, except for Chester, that she mentioned. I am somewhat disturbed by the fact that a nominee to this position was not made known to the people who represent the area from which she comes. I find that to be peculiar, not unique, however, to this Governor because I also faced the same problem with the previous Governor. I resented it then and I resent it now. I don't understand exactly why it happened. I would like to propose a question to the Chair of the Energy and Natural Resources Committee as to her qualifications.

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

Senator ERWIN: Thank you. Madam President, Ladies and Gentlemen of the Senate, we had this confirmation hearing this morning. There was no opposition and there was any number of people that gave glowing reports in testifying for this lady. The Committee had her under question for a considerable length of time. She did an outstanding job. She was forthright in answering her questions. She didn't try to evade any of the questions at all. She is a member of the Forestry Council. She was asked many questions about that. Some of the members of the Forestry Council that were there testified that there wouldn't be any conflict. They went into great detail as to just what the duties and what the membership of the Forestry Council stood for. I recommend strongly that this lady be confirmed.

On motion by Senator PRAY of Penobscot, the Nomination Tabled 1 Legislative Day, pending CONSIDERATION.

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

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

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon ordered sent down forthwith for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Help Reduce the Incidence of Breast Cancer Mortality in the State"

S.P. 903 L.D. 2297

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-645).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-645) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act Relating to Health Maintenance Organizations"

S.P. 926 L.D. 2337

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-644).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-644) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities" (Emergency)

S.P. 985 L.D. 2448

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-642).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-642) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Fund and Implement a Collective Bargaining Agreement with the Maine State Troopers Association" (Emergency)

H.P. 1804 L.D. 2475

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

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

Bill "An Act to Amend the Charter of the Quantabacook Water District" (Emergency)

H.P. 1802 L.D. 2473

Committee on UTILITIES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee, and ORDERED PRINTED.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

LEGISLATIVE RECORD - SENATE, APRIL 5, 1990

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1990 (Emergency)

H.P. 1805 L.D. 2476

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1990 (Emergency)

H.P. 1806 L.D. 2477

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1990 (Emergency)

H.P. 1807 L.D. 2478

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1990 (Emergency)

H.P. 1808 L.D. 2479

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1990 (Emergency)

H.P. 1809 L.D. 2480

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1990 (Emergency)

H.P. 1810 L.D. 2481

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act Regarding the Administration of the Maine Children's Trust Fund"

S.P. 957 L.D. 2421

Reported that the same Ought Not to Pass.

Signed:

Senators:

TITCOMB of Cumberland

RANDALL of Washington

Representatives:

CATHCART of Orono

CLARK of Brunswick

PENDLETON of Scarborough

BURKE of Vassalboro

PEDERSON of Bangor

BOUTILIER of Lewiston

ROLDE of York

HEPBURN of Skowhegan

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-643).

Signed:

Senator:

GAUVREAU of Androscoggin

Representatives:

DELLERT of Gardiner

MANNING of Portland

Which Reports were READ.

Senator GAUVREAU of Androscoggin moved ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED Report.

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

Senator TITCOMB: Thank you. Mr. President, through the Chair, could I please have someone explain to me the nature of Committee Amendment "A"?

THE PRESIDENT: The Senator from Cumberland, Senator Titcomb has posed a question through the

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Chair to any Senator who may care to respond. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you. Mr. President, Members of the Maine Senate, Committee Amendment "A" is the Minority Report, offered for the consideration of this Body. The legislation before the Human Resources Committee was offered by my good colleague from the county of Androscoggin, Senator Berube, dealing with the Maine Children's Trust Fund. I think, for many of you who have been members of the Legislature for the past several years, this issue has been debated and discussed at some length. The issue, essentially, is whether we can realize the most prudent management of taxpayer dollars, checked off for the Maine Children's Trust Fund, through the current administrative structure.

Presently, I believe, there is an Executive Director of the Maine Children's Trust Fund. I believe a significant portion of the dollars which are checked off by taxpayers on their tax forms and devoted toward the Children's Trust Fund are devoted to administrative expenses. What this measure would do would be to require the Maine Children's Trust Fund to contract with a public foundation for management and stewardship of the trust fund and, thereby, realize dollars in administrative savings which can be better put toward grants for abused and jeopardized children.

The Committee has in mind, in fact, the Maine Community Foundation. We have met, at workshop, with the Executive Director of the Community Foundation and understand that the Foundation can, in fact, administer the Trust Fund under the following arrangement. The current Board of Directors of the Children's Trust Fund would remain. It would serve as an advisory body to the Maine Community Foundation, in terms of giving forwarding recommendations, as to where grants should be distributed throughout the state.

The Minority Report also recommends that a certain percentage of Maine Trust Fund dollars, after the principle of the trust has been established pursuant to current statute, up to 15% of additional dollars, would go toward the child abuse and neglect councils which are operating in all of Maine's 16 counties. Those councils would be charged with the responsibility of publicizing and promoting the Children's Trust Fund. In that way, we could still raise the awareness of Maine people on the Children's Trust Fund and encourage taxpayers to continue to support this very worthy project. That essentially is what the Minority Report would recommend. Thank you.

On motion by Senator WEBSTER of Franklin, Tabled until Later in Today's Session, pending the motion of Senator GAUVREAU of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-643) Report.

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

COMMITTEE REPORTS

Senate

Pursuant to Joint Rule 13

The Committee on JUDICIARY on Bill "An Act to Establish the Maine Medical Malpractice Act"

S.P. 289 L.D. 762

being reported to the Senate pursuant to Joint Rule 13.

Senator HOBBINS of York moved to Tabled 1 Legislative Day, pending CONSIDERATION.

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

The Committee on JUDICIARY on Bill "An Act to Establish a Five-year Medical Liability Demonstration Project"

S.P. 782 L.D. 2023

being reported to the Senate pursuant to Joint Rule 13.

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

Senate at Ease  
Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon ordered sent down forthwith for concurrence.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator CARPENTER of York, RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

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

SECOND READERS

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

Senate

Resolve, to Encourage the Study of the Nation's Founding and Related Documents by Maine Students

S.P. 1000 L.D. 2472

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

Senate As Amended  
Bill "An Act to Amend the Counseling Licensing Laws"

S.P. 730 L.D. 1929  
(C "A" S-640)

Bill "An Act to Establish the Office of Substance Abuse"

S.P. 909 L.D. 2312  
(C "A" S-639)

Bill "An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers" (Emergency)

S.P. 934 L.D. 2365  
(C "A" S-641)

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

Sent down for concurrence.

Bill "An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws" (Emergency)

S.P. 940 L.D. 2378  
(C "A" S-638)

Which was READ A SECOND TIME.

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On motion by Senator BUSTIN of Kennebec, the Senate RECONSIDERED whereby Committee Amendment "A" (S-638) was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-651) to Committee Amendment "A" (S-638) READ and ADOPTED.

Committee Amendment "A" (S-638) as Amended by Senate Amendment "A" (S-651) thereto, ADOPTED.

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

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

ENACTORS

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

Emergency

An Act to Make Revisions in the Drug Testing Laws  
S.P. 801 L.D. 2049  
(H "B" H-1027 to C  
"A" S-600)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 1 Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Assist the Department of Human Services in Conducting Chronic Disease Investigations and Evaluating the Completeness or Data Quality of its Disease Surveillance Programs

S.P. 807 L.D. 2070  
(H "A" H-1024 to C  
"A" S-621)

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

Emergency

An Act to Amend Certain Provisions of the Fish and Wildlife Laws

H.P. 1621 L.D. 2243  
(C "A" H-1012)

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

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

ENACTORS

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

Emergency

An Act to Amend the Laws Applicable to Medicare Supplement Insurance Policies

H.P. 1708 L.D. 2357  
(C "A" H-1017)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the

entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Establish Guidelines and an Advisory Council for Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely on Special Telecommunications Equipment for Telecommunications

H.P. 1710 L.D. 2361  
(C "A" H-1019)

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

Emergency

An Act to Amend the State's Hazardous Materials and Underground Tank Installer Laws

H.P. 1729 L.D. 2388  
(C "A" H-961; H "A"  
H-1026)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act Concerning the Carrying of Firearms and Firearms Safety Programs

H.P. 1737 L.D. 2398  
(C "A" H-1030)

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

Emergency

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

H.P. 1762 L.D. 2427  
(C "A" H-960; H "A"  
H-1035)

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

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

ENACTORS

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

An Act to Clarify and Improve the General Assistance Laws

S.P. 712 L.D. 1889  
(C "A" S-622)

An Act to Increase Penalties for Violation of the Pesticide Laws

H.P. 1386 L.D. 1916  
(C "A" H-1022)

An Act to Amend Certain Sales Tax Exemptions

H.P. 1573 L.D. 2180  
(C "A" H-1029)

An Act to Reduce Toxics in Packaging

H.P. 1715 L.D. 2368  
(C "A" H-1020)

An Act to Provide Greater Protection Under the Domestic Abuse Laws

S.P. 989 L.D. 2458

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

An Act to Establish the Taxpayer Bill of Rights

S.P. 888 L.D. 2264

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

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, before we enacted this piece of legislation, I just simply wanted to draw it to your attention and let you know that this Bill, I think, is a very important piece of legislation. It is intended to be a statutory vehicle to protect and promote the rights of taxpayers in the state of Maine.

We heard a lot in our Committee about the need to have stricter enforcement of our tax laws and certainly, if a taxpayer is willfully violating our tax laws, there is no question that we should be enforcing our tax law to the full extent of the law, so that those who pay their taxes on time and to the law will not have to subsidize those who don't.

We all must realize, as we discuss greater enforcement, that taxpayers are not wallets, they're people and that tax enforcers are not infallible. They're people and sometimes, mistakes occur. It was of great concern to us that someone who was paying their taxes, and perhaps, was the victim of a mistake by the Bureau of Taxation, understand from the very beginning that we don't assume that they are incorrect. We don't assume that they are violating the law, that they indeed have rights and respect and that we, as a Legislature, are going to hammer out in statute some basic parameters by which the state Bureau of Taxation and the state of Maine will address and deal with these people.

In essence, we have a taxpayer bill of rights that will be written in plain English, that will outline exactly what the procedures will be by the Bureau of Taxation, that will give them basic rights, including their right to appeal, and spell out in clear English what that appeal process is. It allows the taxpayer to record any and all interviews with the Bureau of Taxation. It allows the taxpayer to be represented or bring with them a representative to a meeting with the Bureau of Taxation. It allows the taxpayer to suspend any meeting, at any time, with the Bureau of Taxation, in case he or she would like to get further information without penalty. These are some very basic provisions that we put into this taxpayer's bill of rights law.

I speak on the record, not only because of the importance of this Bill and the fact that we worked hard on it, because we feel so strongly about the

rights of taxpayers, but also because, ladies and gentlemen of the Senate, this is a document that can grow and develop on the basis of your experience. If you, as a legislator, find you have constituents that, perhaps, are not being treated as fairly as they should be and in which the taxpayer's bill of rights do not cover their rights, this is a document that can be added to in future years. Just so you know that we are passing, I think, a significant first step to recognizing in statutes, not only the responsibilities of taxpayers, but the rights of taxpayers and the responsibilities of our Bureau of Taxation and taxation enforcement. I'm very pleased that we have this enacted today. Thank you.

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

An Act to Study the Development of Aquaculture in Maine

H.P. 1703 L.D. 2352  
(H "A" H-1016 to C  
"A" H-1015)

On motion by Senator BRANNIGAN of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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

ENACTORS

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

An Act to Clarify the Negotiability of Sabbatical Leave Agreements

H.P. 1613 L.D. 2230  
(C "A" H-981)

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

Resolve

Resolve, to Direct the Department of Human Services to Develop a Proposal to Adequately Address the Housing Needs of Aid to Families with Dependent Children Recipients

S.P. 962 L.D. 2429  
(C "A" S-627)

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Joint Select Committee on CORRECTIONS on Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$20,250,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities"

H.P. 1799 L.D. 2469

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1483.

Signed:

Senators:

BUSTIN of Kennebec

MATTHEWS of Kennebec

PERKINS of Hancock

Representatives:

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MELENDY of Rockland  
SMITH of Island Falls  
DORE of Auburn  
STROUT of Windham  
HEPBURN of Skowhegan  
GREENLAW of Standish  
LIBBY of Kennebunk  
MANNING of Portland  
ANTHONY of South Portland

The Minority of the same Committee on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,250,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities" H.P. 1800 L.D. 2470

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1483.

Signed:

Representative:

MAYO of Thomaston

Comes from the House the Majority OUGHT TO PASS (H.P. 1799 L.D. 2469) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS (H.P. 1799 L.D. 2469) Report ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

(See action later today.)

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

The Committee on JUDICIARY on Bill "An Act to Amend the Scheduled Drug Laws" H.P. 1720 L.D. 2376

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Rommy Haines to Present a Claim for 3rd-party Damages to a Board of Arbitration a 2nd Time H.P. 1780 L.D. 2449

The Committee on LEGAL AFFAIRS on Resolve, Authorizing the Alna Store, Incorporated and Its Proprietors to Sue the State H.P. 1782 L.D. 2452

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

COMMITTEE REPORTS

House

Ought To Pass

The Joint Select Committee on CORRECTIONS on Resolve, Creating a Commission on Adult Sentencing (Emergency) H.P. 1801 L.D. 2471

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1483.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Conveyance of Certain Public Lands and the Settlement of a Boundary Line Dispute Involving Public Lands

H.P. 1779 L.D. 2446

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1062).

Signed:

Senators:

ERWIN of Oxford

LUDWIG of Aroostook

Representatives:

DEXTER of Kingfield

GOULD of Greenville

HOLGLUND of Portland

LORD of Waterboro

ANDERSON of Woodland

COLES of Harpswell

JACQUES of Waterville

SIMPSON of Casco

MICHAUD of East Millinocket

MITCHELL of Freeport

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1063).

Signed:

Senator:

KANY of Kennebec

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062).

Which Reports were READ.

The Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1063) Report ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "B" (H-1063) READ and ADOPTED, in NON-CONCURRENCE.

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

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

April 5, 1990

Honorable Joy J. O'Brien

Secretary of the Senate

114th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Exempt Medical Malpractice Captive Insurance Companies from the Requirement to Obtain Certificates of Authority to Transact Insurance in the State of Maine" (S.P. 705) (L.D. 1843):

The Speaker appointed the following members of the House to the Committee:

Representative RYDELL of Brunswick

Representative ERWIN of Rumford

Representative GARLAND of Bangor

Sincerely,

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S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (Emergency)

S.P. 561 L.D. 1564  
(C "B" S-593)

(In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-593).)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-593) AND HOUSE AMENDMENT "A" (H-1021) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

SECOND READERS

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

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1990 (Emergency)

H.P. 1805 L.D. 2476

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1990 (Emergency)

H.P. 1806 L.D. 2477

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1990 (Emergency)

H.P. 1807 L.D. 2478

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1990 (Emergency)

H.P. 1808 L.D. 2479

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1990 (Emergency)

H.P. 1809 L.D. 2480

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1990 (Emergency)

H.P. 1810 L.D. 2481

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

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Help Reduce the Incidence of Breast Cancer Mortality in the State"

S.P. 903 L.D. 2297  
(C "A" S-645)

Bill "An Act Relating to Health Maintenance Organizations"

S.P. 926 L.D. 2337  
(C "A" S-644)

Bill "An Act to Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities" (Emergency)

S.P. 985 L.D. 2448  
(C "A" S-642)

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

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

COMMITTEE REPORTS  
House

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Political Campaign Financing and Reporting"

H.P. 1570 L.D. 2175

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1074).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1074).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1074) READ and ADOPTED, in concurrence.

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

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection" (Emergency)

H.P. 1712 L.D. 2363

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1075).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1075).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1075) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS  
House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Form a County Corrections Department for Cumberland County"

H.P. 1728 L.D. 2387

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1078).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1078).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1078) READ and ADOPTED, in concurrence.

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

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The Committee on TRANSPORTATION on Bill "An Act to Make Changes to Certain Motor Vehicle Laws"

H.P. 1464 L.D. 2041

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1072).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1072).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1072) READ and ADOPTED, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Name the District Court Facility to Be Built in Presque Isle the Julian W. Turner Courthouse

H.P. 1811 L.D. 2483

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

Bill "An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District"

H.P. 1812 L.D. 2484

Committee on UTILITIES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules. READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee and ORDERED PRINTED.

The Bill, LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

The Joint Select Committee on CORRECTIONS on Bill "An Act Relating to Correctional Policy"

H.P. 1814 L.D. 2486

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1483.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing

H.P. 1813 L.D. 2485

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1773.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1990 (Emergency)

H.P. 1815 L.D. 2487

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1990 (Emergency)

H.P. 1816 L.D. 2488

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1990 (Emergency)

H.P. 1817 L.D. 2489

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1484.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Implement the Recommendations of the Court Jurisdiction Study"

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H.P. 1682 L.D. 2328

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1077).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1077).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1077) READ and ADOPTED, in concurrence.

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

Senate at Ease

Senate called to order by the President.

The Committee on JUDICIARY on Bill "An Act Concerning Child Support Guidelines" (Emergency)

H.P. 1704 L.D. 2353

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1079).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1079) READ and ADOPTED, in concurrence.

Which was, under suspension of the rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

SENATE PAPERS

Bill "An Act to Encourage the Development of Programs of Assistance to Students Seeking Postsecondary Education"

S.P. 1002 L.D. 2490

Presented by Senator GILL of Cumberland  
Cosponsored by Representative SMALL of Bath, Representative NORTON of Winthrop and Representative AULT of Wayne  
Committee on EDUCATION suggested and ORDERED PRINTED.

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

Resolve, to Authorize the Director of the Bureau of Public Lands to Sell a Parcel of Land to the Warren Sanitary District

S.P. 1003 L.D. 2491

Presented by Senator HOLLOWAY of Lincoln  
Cosponsored by Senator CARPENTER of York and Representative MAYO of Thomaston

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates"

S.P. 1004 L.D. 2492

Presented by Senator CAHILL of Sagadahoc

Cosponsored by Representative REED of Falmouth, Senator LUDWIG of Aroostook and Representative SMALL of Bath

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow the Maine Health Care Finance Commission to Make Individual Hospital Development Account Interim Adjustments"

S.P. 1001 L.D. 2482

In Senate, April 5, 1990, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore" (Emergency)

S.P. 969 L.D. 2436

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-653).

Signed:

Senators:

MATTHEWS of Kennebec  
BALDACCI of Penobscot  
DILLENBACH of Cumberland

Representatives:

BEGLEY of Waldoboro  
JALBERT of Lisbon  
PAUL of Sanford  
MURPHY of Berwick  
TUPPER of Orrington  
STEVENS of Sabattus

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

Signed:

Representatives:

PRIEST of Brunswick  
PLOURDE of Biddeford  
LAWRENCE of Kittery

Which Reports were READ.

On motion by Senator BALDACCI of Penobscot, the Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-653) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Modify the Applicability of the Certificate of Need Program to Hospitals and to Exempt Certain

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Hospital Restructuring Activities from the Requirement of Approval by the Maine Health Care Finance Commission"

H.P. 1767 L.D. 2435

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1043).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1043).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1043) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Provide Uniformity and Fairness after Mortgage Foreclosure"

H.P. 1650 L.D. 2283

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1042).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1042).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1042) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Establish the Protection and Advocacy Agency for Persons with Disabilities" (Emergency)

H.P. 1527 L.D. 2112

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1044).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1044) READ and ADOPTED, in concurrence.

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

The Committee on TRANSPORTATION on Bill "An Act to Allow the Loan of Automobiles to Municipalities for Law Enforcement Purposes"

H.P. 1770 L.D. 2440

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1045).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1045).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1045) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Exempt Forestry Activities in Forested Wetlands from Regulation Under the Natural Resources Protection Laws"

H.P. 1628 L.D. 2255

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1048).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1048).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1048) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act Concerning State Education Mandate Waivers" (Emergency)

H.P. 1788 L.D. 2457

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1052).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1052).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1052) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act to Provide Adjustments in the Educational Funding Formula"

H.P. 836 L.D. 1168

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1053).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1053).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-1053) READ and ADOPTED, in concurrence.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Implement Certain Provisions of the Federal Family Support Act of 1988 and Improve Access to Services in the Additional Support for People in Retraining and Education Program" (Emergency)

H.P. 1590 L.D. 2202

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1054).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1054).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1054) READ and ADOPTED, in concurrence.

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

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

C. COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Process by Which the Board of Environmental Protection Regulates the Discharge of Toxic Substances to the State's Surface Waters"

H.P. 1735 L.D. 2394

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1055).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1055) READ and ADOPTED, in concurrence.

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Enhance the Ability of the State to Respond to Oil Spills"

H.P. 1691 L.D. 2341

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1056).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1056) READ and ADOPTED, in concurrence.

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

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

C. COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities"

H.P. 1249 L.D. 1747

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1050).

Signed:

Senators:

ESTY of Cumberland

MATTHEWS of Kennebec

Representatives:

MCKEEN of Windham

MCHENRY of Madawaska

RUHLIN of Brewer

PINEAU of Jay

TAMMARO of Baileyville

LUTHER of Mexico

RAND of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "C" (H-1051).

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

BUTLAND of Cumberland

REED of Falmouth

MCCORMICK of Rockport

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1050).

Which Reports were READ.

Senator ESTY of Cumberland moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1050) Report, in concurrence.

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

Senator WHITMORE: Thank you. Mr. President, Men and Women of the Senate, you have before you a Divided Report and if you want to make reference to them, it's H-1050 and 1051 in your amendments.

Basically, the Minority Report, and I stand supporting the Minority Report, the difference between the two is, in the case of a facility with more than 100 employees, if there's a reported problem with the handling of hazardous substances, that an inspection be held. The Minority Report states that when the inspection is held, that the areas you would inspect would be those areas, if they, in fact, have replaced one half or more of the employees, that the areas where the chemicals are stored and handled, be the area that be inspected.

The feeling of the Majority is that they want to inspect the entire plant and if there's machinery or anything else that's out of synch, that they can immediately demand that the plant be shut down until it's corrected. They can request an injunction, based on their findings. This, ultimately, would, probably, close the plant until such time as they were corrected and they were put into a safe fashion.

The Minority felt that if the problem was with the hazardous chemicals, that that's where the inspection should be concentrated and not with the entire plant. That, basically, is the indifference between the two. I would ask you to vote against the pending motion and support the Minority Report.

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

Senator ESTY: Thank you. Mr. President, Ladies and Gentlemen of the Senate, the good Senator from Androscoggin, Senator Whitmore, is correct in the sense that this was, originally, a very broad Bill that the Committee worked very hard on to reach

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compromise. We did reach compromise in many, many areas. The clear difference was that there was concern that the inspection procedure be complete and not be limited. In no way did the Committee want to shut down any plant because of an inspection, but if there were safety concerns, we did want to have them addressed. I would say that we were very, very close and this is a minor difference in an important Bill that, hopefully, this Legislature and this Senate can pass. Thank you.

The Chair ordered a Division. 16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator ESTY of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1050) Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "B" (H-1050) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides"

H.P. 1778 L.D. 2445

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1066).

Signed:

Senators:

KANY of Kennebec

ERWIN of Oxford

LUDWIG of Aroostook

Representatives:

ANDERSON of Woodland

COLES of Harpswell

LORD of Waterboro

DEXTER of Kingfield

GOULD of Greenville

MICHAUD of East Millinocket

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

Signed:

Representatives:

HOGLUND of Portland

JACQUES of Waterville

MITCHELL of Freeport

SIMPSON of Casco

Comes from the House the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

The Minority OUGHT TO PASS Report ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act Requiring the Reinstate of Health Insurance for Persons with Organic Brain Disease"

H.P. 1633 L.D. 2260

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1049).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1049) AS AMENDED BY HOUSE AMENDMENT "A" (H-1084) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1049) READ.

House Amendment "A" (H-1084) to Committee Amendment "A" (H-1049) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-1049) as Amended by House Amendment "A" (H-1084) thereto, ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Correct Errors in the Solid Waste Laws"

H.P. 1705 L.D. 2354

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1069).

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

ANDERSON of Woodland

GOULD of Greenville

LORD of Waterboro

MITCHELL of Freeport

SIMPSON of Casco

MICHAUD of East Millinocket

COLES of Harpswell

JACQUES of Waterville

DEXTER of Kingfield

HOGLUND of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1070).

Signed:

Senators:

KANY of Kennebec

ERWIN of Oxford

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069).

Which Reports were READ.

Senator KANY of Kennebec moved to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1070) Report in NON-CONCURRENCE.

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

Senator LUDWIG: Thank you. Mr. President, Men and Women of the Senate. I rise to ask you to oppose the pending motion. Last session, the Energy and Natural Resources Committee worked long and hard to develop a broad, well thought out and workable solution to the management of solid waste within Maine. Indeed, our efforts have received national recognition and with the creation of the Maine Waste Management Agency, we are well on our way to solving our solid waste problems. This session, our Committee modified that landmark legislation to fine

tune it and make sure it would truly work. Some of the revisions of the Majority Report are essential for the success of the law. It is the Majority Report which I ask you to accept.

Unfortunately, the Committee divided on a key issue. This is reflected in the Minority Report. Last session, during our deliberations on the solid waste law, it was our intent to limit our actions to the commonly accepted definition of solid waste, a definition which does not include hazardous waste. Several times, during our work sessions, we discussed and discarded the suggestion that we include hazardous waste in the new law creating the Waste Management Agency and the programs and funds under its jurisdiction. Since enactment of the solid waste law, the Attorney General's office has informed us that the definition of solid waste includes hazardous waste. This unfortunate misunderstanding is one that has prevailed for years but has only now come to our attention.

The expanded definition of solid waste greatly complicates how we treat the responsibility for waste management. Several examples include the following. The ban on commercial solid waste disposal facilities now extends beyond our common understanding of solid waste disposal facilities and includes hazardous waste disposal facilities as well. The Waste Management Agency's responsibility for planning, siting, providing financial and technical assistance and delivering disposal services now include hazardous waste, although it was our express intent to exclude it. The resources for both staffing and funding were not provided to the Agency for this responsibility. Existing state law includes many references to hazardous waste, its planning and siting, much of which is inconsistent with the statutes regulating solid waste. Finally, we do not yet know the full implications of this change with respect to our relationship with EPA or other states with whom we have hazardous waste disposal agreements.

I urge you to support the Majority Report for these reasons. As lawmakers we must make sure our work reflects thought and care, that our solutions reflect an understanding of the issues and that the resources are provided to assure success for our programs. None of this has occurred in this case. The Minority Report is a simple exploitation of an honest misunderstanding of the term "solid waste". I hope my fellow Senators will vote with the Majority Report which preserves our common understanding of Maine's waste management system. Thank you and once again, I hope you will join me in voting against the pending motion. Thank you, Mr. President.

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

Senator KANY: Thank you. Mr. President, Members of the Senate, I hope you vote in favor of the Minority Ought to Pass Report. The single difference is, as described by the good Senator from Aroostook, Senator Ludwig, that hazardous waste facilities would continue to be prohibited to be commercial hazardous waste disposal facilities.

Our current law, that we enacted last year, prohibits the development of new commercial hazardous waste disposal facilities. In that definition is contained, both incinerators and landfills. In other words, no new commercial incinerator or landfill for solid waste of any kind, whether it be special waste, biomedical waste, hazardous waste, municipal waste, can be developed in the state of Maine. The Minority Report, consisting of the two Senators right here, seeks to keep and continue that definition.

The reason the Legislature, last year, chose to prohibit new commercial disposal facilities for solid

waste was that we then could control our waste stream. We have seen too many companies or corporations or entities, in the past, dissolve and leave landfills unattended, unmonitored, uncared for for future generations. That was one of the reasons why we chose to ban future commercial incinerators with their accompanying ash landfills and other landfills.

The second reason was, if the facilities are publicly owned, the public can choose its customers and thereby choose not to have out of state customers. In other words, it is the legal way for us to basically just take care of our own waste that we generate and not out of state waste, or out of country waste.

If you go along with the other report, instead of the one the good Senator from Oxford, Senator Erwin, and I are offering, you would be inviting privately owned, commercial incinerators with their accompanying ash landfills and landfills for hazardous waste. There would be no legal way the state of Maine could prohibit out of state hazardous waste from entering this state. I urge you to go along with the pending motion. Thank you.

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

Senator LUDWIG: Thank you. Mr. President, Men and Women of the Senate, I am aware that with two Senators on one side of a Report, I am at a disadvantage, but I am also a great believer in the Committee system. I do assure you that the other members of the Committee were vehement in their opposition to having hazardous waste handled locally. We do have a very good system right now by which our hazardous waste is shipped out of state. At an 11-2 report I hope you will give good consideration to what the Majority wanted in this particular case. I urge you to oppose the pending motion.

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

Senator GAUVREAU: Thank you. Mr. President, Men and Women of the Senate, I stand before you tonight somewhat confused regarding this legislation. My community, along with other communities in Augusta and elsewhere in the state, have encountered some difficulties securing DEP approval for landfill expansions. This has been a point of significant concern to people in the Lewiston community. I understand that the Joint Standing Committee on Energy and Natural Resources was asked to address the concern of my community and other communities, specifically dealing with the siting criteria on landfill expansions. It was my understanding that there would be a waiver or exemption language included in L.D. 2354, which would address the concerns of my community. My question to anybody on the Committee who may care to respond is, is the language which addresses the concerns of the City of Lewiston in the Majority, the Minority or both reports?

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

Senator KANY: Thank you. Mr. President, Members of the Senate, the language that the good Senator from Androscoggin County, Senator Gauvreau, mentioned is in both reports.

On motion by Senator KANY of Kennebec, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1070) Report ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "B" (H-1070) READ.

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On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "B" (H-1070).

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Concerning the State Minimum Wage"

H.P. 1646 L.D. 2279

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1046).

Signed:

Senators:

ESTY of Cumberland

MATTHEWS of Kennebec

Representatives:

LUTHER of Mexico

MCKEEN of Windham

PINEAU of Jay

TAMMARI of Baileyville

RAND of Portland

MCHENRY of Madawaska

RUHLIN of Brewer

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

Signed:

Representatives:

MCCORMICK of Rockport

BUTLAND of Cumberland

REED of Falmouth

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046).

Which Reports were READ.

The Minority OUGHT NOT TO PASS Report ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums"

H.P. 1730 L.D. 2389

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1060).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1060).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1060) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act Concerning Living Wills"

H.P. 1497 L.D. 2074

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1059).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1059).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1059) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Increase the Penalty for Vehicular Manslaughter and to Remove the Habitual Drunk Driver Offender from the Highways"

H.P. 1672 L.D. 2314

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1061).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1061) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Reduce the Use of Marijuana and to Make Related Amendments to the Drug Laws"

H.P. 1721 L.D. 2377

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1057).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1057).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1057) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Clarify the Laws on Manslaughter in the Workplace" (Emergency)

H.P. 1758 L.D. 2423

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1058).

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Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1058).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1058) READ and ADOPTED, in concurrence.

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

The Committee on TRANSPORTATION on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 1776 L.D. 2444

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1064).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1064).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1064) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on JUDICIARY on Bill "An Act to Amend the Maine Criminal Code with Regard to Drugs"

H.P. 1803 L.D. 2474

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1769.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on BANKING AND INSURANCE on Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies"

H.P. 1598 L.D. 2222

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-1018).

In House, March 29, 1990, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018).

In Senate, March 29, 1990, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

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

On motion by Senator THERIAULT of Aroostook, the Senate INSISTED and JOINED IN A COMMITTEE OF CONFERENCE.

Senate at Ease  
Senate called to order by the President.

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

Senator THERIAULT of Aroostook

Senator BUSTIN of Kennebec

Senator GOULD of Waldo

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

Bill "An Act to Amend Maine's Underground Oil Storage Law"

S.P. 632 L.D. 1725  
(S "A" S-634 to C  
"A" S-633)

In Senate, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-633) AS AMENDED BY SENATE AMENDMENT "A" (S-634) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-633) AS AMENDED BY HOUSE AMENDMENT "A" (H-1071) thereto, in NON-CONCURRENCE.

On motion by Senator KANY of Kennebec, the Senate RECEDDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Role of the Board of Environmental Protection"

H.P. 1602 L.D. 2214  
(C "A" H-952)

Tabled - April 5, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION  
(In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952), in concurrence.)

(In House, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY HOUSE AMENDMENT "A" (H-1040) thereto, in NON-CONCURRENCE.)

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

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

On motion by Senator PEARSON of Penobscot, RECESSED until 8:30 this evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Promote Economic Development"

S.P. 907 L.D. 2306

Tabled - April 5, 1990, by Senator CLARK of Cumberland.

Pending - ADOPTION of Committee Amendment "A" (S-628) (Roll Call Ordered)

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(In Senate, April 5, 1990, Committee Amendment "A" (S-628) READ and ADOPTED. Subsequently, RECONSIDERED ADOPTION of Committee Amendment "A" (S-628).)

On motion by Senator ESTY of Cumberland, Senate Amendment "C" (S-655) to Committee Amendment "A" (S-628) READ.

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

Senator WHITMORE: Thank you. Mr. President, Men and Women of the Senate, I guess I'd like to have a sponsor of the amendment go through the amendment, since papers are flying around here, so that we might understand what we're prepared to vote on, or not prepared to vote on.

THE PRESIDENT: The Senator from Androscoggin, Senator Whitmore, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you, Mr. President. I'd be happy to do that for the good Senator from Androscoggin, Senator Whitmore. The Statement of Fact says that this amendment deletes job tax credits from the definition of direct economic support. It includes investment tax credits claimed by an employer only if the credits total more than \$250,000 in any single tax year. The amendment further clarifies that former employees who voluntarily quit employment are not granted a hiring preference. There were a couple concerns that had been mentioned in the earlier debate that I had hoped that this amendment would address. Thank you, Mr. President.

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

Senator WHITMORE: I'd like to thank the good gentleman, Senator Esty, of Cumberland, but I'm not sure, from my perspective, anyway, that this amendment goes far enough in addressing the concerns that I had. If we harken back to my earlier debate, we're still talking about, in the event that someone had a loan that was 10 years in duration, we're still talking about 16 years. Correct? There is a three year lead in for existing employees and also a three year tail. The Attorney General of the state, at the time, would still make the determination about who was qualified to be trained and not trained. Also, the provision remains that should the Attorney General rule that the private enterprise that has made this decision erred, then the loan that they received would be immediately become due and payable, a la any demand loan. Am I to interpret that these things all still remain?

On motion by Senator ESTY of Cumberland, Senate Amendment "C" (S-655) to Committee Amendment "A" (S-628) ADOPTED.

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

Senator BALDACCI: Thank you. Mr. President, I would like to pose a question through the Chair to any member of the Chamber that may wish to respond. I'm not familiar with whether this includes income tax credits and it wasn't clarified in the amendment, but it does include income tax credits.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Mr. President, I believe the answer to the question is yes.

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

Senator BALDACCI: Thank you. Mr. President, realizing all the solid waste legislation we have before this Body and recognizing the depth of my good colleague from Cumberland, Senator Esty's desk, in searching for the proper information, I would like to know if it does include income tax credits and if we are not able to answer that at this time, I would move that this item be tabled later in this evening's session.

THE PRESIDENT: The Chair would advise the Senator that having debated, it is inappropriate for him to make the motion that this item be tabled until later in this evening's session.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (S-628) as Amended by Senate Amendment "C" (S-655) thereto.

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

An Act Creating the Long Pond Water District  
S.P. 916 L.D. 2322  
(C "A" S-606)

Tabled - April 5, 1990, by Senator BOST of Penobscot.

Pending - ENACTMENT

(In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-606).)

(In House, March 29, 1990, PASSED TO BE ENACTED.)

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

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill 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-606).

On further motion by same Senator, Senate Amendment "B" (S-652) to Committee Amendment "A" (S-606) READ and ADOPTED.

Committee Amendment "A" (S-606) as Amended by Senate Amendment "B" (S-652) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

SENATE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act Regarding the Administration of the Maine Children's Trust Fund"

S.P. 957 L.D. 2421

Majority - Ought Not to Pass

Minority - Ought to Pass As Amended by Committee Amendment "A" (S-643)

Tabled - April 5, 1990, by Senator WEBSTER of Franklin.

Pending - Motion of Senator GAUVREAU of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

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

Senator BUSTIN of Kennebec requested a Division.

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

Senator BERUBE: Thank you. Mr. President, Ladies and Gentlemen of the Senate, the Bill, the Minority Report, seeks to ensure that a greater share

of the check-off dollars that you may or may not check off on your income tax annually toward this Children's Fund, will go for the purpose for which it's intended and that's supposed to be the prevention of child abuse. It also seeks to address the high costs of administration of this fund. In the first six months of this fiscal year, only 9.7% of the check-off dollars did, indeed, go to grants. There were about \$3231 that went to grants from the check-off funds. The other grants that were allocated came from a federal grant that goes to the Department of Human Services. The Minority Report, as Senator Gauvreau explained yesterday, would transfer contract these funds with the Maine Community Foundation which would administer the program for approximately 10%. They would still utilize the services of the advisory board of the Children's Fund. There would be no need to spend money for rent. There would be no need to spend money for data processing, nor to pay like they've been paying, \$15,000 a year for a consultant. Those expenses would not have to be made. So, when people give a check-off of \$5, it would be nice if at least, they had \$4 that went to the child abuse programs. It would be nice if \$3 went or \$2 or \$1, but since its inception, it's been anywhere from 50¢ to \$1 maximum that have gone into programs. This is one way to ensure that the dollars that people check off from their hard earned dollars, I would add, would be better used. We all seek the same goal and that is to try and prevent child abuse. I think that the Minority Report is the way to go. I urge you to support that in your Division. Thank you.

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

Senator TITCOMB: Thank you. Mr. President, Men and Women of the Senate, I will be supporting the Majority Ought Not to Pass Report from the Human Resources Committee. The reason being, there seemed to be a strong feeling amongst the Committee members that there was great merit in the approach that this particular Board and its Director were taking on hands-on, out in the field communication with people that were working with children that would be particularly vulnerable to abuse.

There certainly was understanding of the concerns of my good friends and fellow members of the Human Resources Committee that differed with that feeling, but there seemed to be a lot of support, which I shared, that, perhaps, it was not appropriate to just drop the program as it was presently running. In fact, give it a little more time to see if there were not some other approaches that we could look into in working with broader state trust programs to see if we could come up with a solution to what, very apparently, is too much expenditure for the actual administration of the program.

It's deceiving, simply because I think that in the very beginning it was expected that there would be a good deal of money that would be donated to the Trust Fund. There was not as much as was expected, therefore, when you actually took out the administration, it did not leave an awful lot of money left from what had been checked off. I think if you had looked at \$1 million in contributions, the administration of the program would have been a much smaller percentage. As it stands, I will be supporting the Majority Ought Not to Pass and I would encourage your support in that line.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you. Mr. President, Men and Women of the Senate, I will only take a moment this evening to share with you my support for the

Majority Report of this Committee. I share very much the same feelings that Senator Titcomb has expressed in regard to this matter and certainly would urge your support of the Majority Report.

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

Senator GAUVREAU: Thank you. Mr. President, Men and Women of the Senate, if you recall, earlier today, I did make a presentation to you explaining the basis for my offering for your consideration tonight the Minority Report.

Simply stated, the Minority Report calls for the continuation of the Maine Children's Trust Fund. The only difference is that the Minority Report would transfer the administration of that fund from the current mechanism where we have a state employee administering the program to requiring that there be a contract with a private foundation, in this case, we contemplate the Maine Community Foundation, to administer the program. There would be some significant administrative savings.

This is not a new issue. In fact, for the last four or five years of my legislative service, I can recall every year, extended time being given to this particular issue. Frankly, it's time to move on. We all support the objectives and the goals of the Maine Children's Trust Fund, but I think, as has been expressed well by my colleague from Androscoggin, Senator Berube, we can do a better job at making sure that what dollars our citizens do check off to devote toward child abuse prevention be targeted for grants and direct services rather than administration. That is why I am recommending for your consideration the Minority Report. Thank you.

At the request of Senator BUSTIN of Kennebec, a Division was had. 24 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator GAUVREAU of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-643) READ and ADOPTED. Which was, under suspension of the Rules, READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-648) READ.

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

Senator BUSTIN: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I did not speak on the passage of the Minority Report because I wanted to speak to this amendment if the Minority Report was accepted.

What this amendment does is allow the Children's Trust Fund board members time to take a look at exactly what the Minority Report has them mandated to do now. I think that it needs to be researched. You need to talk to the people that you want to take over this Fund. You need to come back to the Legislature.

So what this does is ask for the Board to facilitate the management, administration and distribution of fund money. The Board shall conduct a study of the potential positive and negative consequences of entering into a contract with a statewide public foundation created to attract and manage charitable funds and to distribute the income to Maine non-profit organizations to help solve community problems and enhance the quality of life in the state. The Board shall report its findings to the Joint Standing Committee of the Legislature having jurisdiction over human resources matters no later than January 15, 1991, along with its recommendations for any legislative action based on these findings. That gives the Board time to

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implement exactly what it is the Minority Report had asked for. It's a bit early and I think, probably not well developed to do it now. I'd appreciate your support.

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

Senator CLARK: Thank you, Mr. President. I would pose a question through the Chair to anyone who might care to respond with reference to the proposed amendment, Senate Amendment "A" (S-648). Would this study, in fact, require that a fiscal note be attached to the Bill?

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a question through 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 rise to tell you that I don't know whether it carries a fiscal note and perhaps the Chair of Appropriations can tell you that.

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

Senator PEARSON: Mr. President, in response to the question, if there's a study, it would require a fiscal note, as far as I know, unless the Legislative Council has money set aside for studies and can finance them. But it would still cost money, so it would have to require a fiscal note.

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

Senator WEBSTER: Mr. President, I'd move the indefinite postponement of this amendment. I'd like to suggest to the members of this body that for years we've discussed the Children's Trust Fund. It's always, since it was first initiated, been top heavy with bureaucracy. I welcome this legislation that was introduced by the good Senator from Androscoggin, Senator Berube, and has been supported by this Body. This does not appear to be a friendly amendment to me and I think we've studied it enough. We've come to a conclusion that we ought to be using this money to deal with the problem of child abuse and not to hire people. For that reason, I would ask you to oppose this amendment, so that we could put this Bill along its way.

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-648).

At the request of Senator BUSTIN of Kennebec, a Division was had. 24 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator Webster of Franklin to INDEFINITELY POSTPONE Senate Amendment "A" (S-648), PREVAILED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

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

Bill "An Act to Establish the Maine Medical Malpractice Act"

S.P. 289 L.D. 762

Tabled - April 5, 1990, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, April 5, 1990, Reported Pursuant to Joint Rule 13.)

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

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

Bill "An Act to Establish a Five-year Medical Liability Demonstration Project"

S.P. 782 L.D. 2023

Tabled - April 5, 1990, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, April 5, 1990, Reported Pursuant to Joint Rule 13.)

On motion by Senator CLARK of Cumberland, Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY.

Sent down for concurrence.

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

Resolve, to Encourage the Study of the Nation's Founding and Related Documents by Maine Students

S.P. 1000 L.D. 2472

Tabled - April 5, 1990 by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 5, 1990, the Bill READ A SECOND TIME.)

On motion by Senator ESTES of York, Senator Amendment "A" (S-659) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

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

Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$20,250,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities"

H.P. 1799 L.D. 2469

(In House, April 5, 1990, PASSED TO BE ENGROSSED.)

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

Senator PEARSON: The amendment that I am going to offer, going to attempt to offer, is Senate Amendment "A" (S-661), which is on the prison bond issue. It puts a fiscal note on the bond issue because the Committee on Corrections which had the bond issue didn't put a fiscal note on it and consequently, it would have been improper in its form because we have to account for money for the election, and also for the retirement of the debt. I just might say, parenthetically, that if this had gone to the Appropriations Committee, we would have had a fiscal note on it.

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-661) READ.

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

Senator PEARSON: Mr. President, when this particular bond issue went through here a while ago, I had occasion to discover that the bond issue was done improperly. Much to my surprise, I felt that the amendment was necessary before it went on its way.

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

Senator BUSTIN: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I humbly eat humble pie that the good Senator from Penobscot, Senator Pearson, has served me. I really do have an excellent staff. He's a new member of the analyst's office. He has been extremely good. I think we have a very good package that we are presenting to the Legislature. I appreciate the good Senator from Penobscot, Senator Pearson, catching the error that was produced by the Corrections Committee. We are

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properly chastised and will watch our manners in the future.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-661) ADOPTED.

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

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

Under suspension of the Rules, all matters thus acted upon ordered sent down forthwith for concurrence.

On motion by Senator WEBSTER of Franklin, RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

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

SECOND READERS  
House

Resolve, Creating a Commission on Adult Sentencing (Emergency)

H.P. 1801 L.D. 2471

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

(See action later today.)

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

SECOND READERS  
House

Bill "An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District"

H.P. 1812 L.D. 2484

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

Senate at Ease  
Senate called to order by the President.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED:

Resolve, Creating a Commission on Adult Sentencing (Emergency)

H.P. 1801 L.D. 2471

(In House, April 5, 1990, PASSED TO BE ENGROSSED.)  
(In Senate, April 5, 1990, PASSED TO BE ENGROSSED, in concurrence.)

On further motion by same Senator, Senate Amendment "A" (S-654) READ.

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

Senator BUSTIN: [Due to technical difficulties, remarks were not recorded.]

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-654) ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BALDACCIO for the Committee on TAXATION on Bill "An Act to Ensure the Proper Payment of Property Tax Relief Funds"

S.P. 988 L.D. 2451

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-663).

Which Report was READ and ACCEPTED.

The BILL READ ONCE.

Committee Amendment "A" (S-663) READ and ADOPTED.

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

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

Under suspension of the Rules, all matters thus acted upon ordered sent down forthwith for concurrence.

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

COMMITTEE REPORTS

House

Divided Report

Eight Members on the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards"

H.P. 1418 L.D. 1970

Reported in Report A that the same Ought to Pass as Amended by Committee Amendment "A" (H-1067).

Signed:

Senators:

KANY of Kennebec

ERWIN of Oxford

Representatives:

MICHAUD of East Millinocket

JACQUES of Waterville

HOGLUND of Portland

MITCHELL of Freeport

COLES of Harpswell

SIMPSON of Casco

Three Members of the Same Committee on the same subject reported in Report B that the same Ought to Pass as Amended by Committee Amendment "B" (H-1068).

Signed:

Representatives:

GOULD of Greenville

LORD of Waterboro

ANDERSON of Woodland

Two Members of the Same Committee on the same subject reported in Report C that the same Ought Not to Pass.

Signed:

Senator:

LUDWIG of Aroostook

Representative:

DEXTER of Kingfield

Comes from the House Report A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067) READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067).

## Which Reports were READ.

Senator KANY of Kennebec moved ACCEPTANCE of Report A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067), in concurrence.

Senator MATTHEWS of Kennebec requested a Division. THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Ludwig.

Senator LUDWIG: Thank you. Mr. President, Men and Women of the Senate, in my four years as a member of the Energy and Natural Resources Committee, I have never been so frustrated as I am over this particular issue.

Color, odor, foam. We all want cleaner rivers. My concern for the environment has been a lifelong commitment and goes back long before I became a member of the Legislature. I will continue to fight for any reasonable attempt to reduce waste and prevent pollution to the air, water or land in our state.

My problem with this particular Bill is that it demands an inordinate expenditure of funds from the one industry in the state which employs more people, 17,934 at last count, at excellent wages, than any other non-governmental employee. In addition, considering the three components of color, odor and foam, it has chosen to focus on the issue of color which, in my opinion, is the least important of the three. Within half an hour's drive of my home, I can take you into the woods, where spring fed brooks and streams feed into the tributaries of rivers which eventually flush into the ocean, and can prove to you that waters which are drinkable and which produce fish which are deliciously edible and pose no health risk to the consumer and have no upstream paper mill discharge, are naturally dark in color.

For months, the Committee has had to deliberate in a room where huge jugs of effluent gathered downstream from every paper mill in the state sat before us. At times, it has seemed that we were part of a bizarre laboratory experiment in which we were skewered into our seats and force-fed hours of conflicting information from a variety of experts, who tried to prove that color, or reductions of the same, would have some or no benefits to the environment. At no time were we assured that a reduction of color would lead to an automatic reduction of odor and foam. Such undocumented supposition is not good enough for me.

I would remind you that Maine is the most forested state in the nation. 95% of our state is forested. Most of the color in our streams comes from wood. It is essential that we recognize our paper mills are no longer owned by Mainers, but by multi-national corporations who can write us off as a tax loss and move their operations to friendlier states. We no longer call the shots. European nations have been able to produce higher quality paper at lower costs than some of our aging mills. And to their credit, ours have updated their equipment in recent years in order to compete with the Europeans and our rivers have benefited substantially.

But rather than giving our mills a chance to recuperate, this Bill would insist that the mills in Maine be forced to expend hundreds of millions of additional dollars to meet an arbitrary standard which may do nothing to improve the environment.

Even the most ardent supporters of this Bill cannot prove that a reduction in color will reduce odor and foam. One of the experts who testified before us and whose area of expertise is based on aerial examination of our rivers, stated that our foamiest rivers had no paper mills upriver.

Odor comes from a variety of sources, including municipal waste water, agricultural run off, decaying natural products.

Is color a cure or a cosmetic? If you could convince me that lowering the number of color units in the river would greatly lessen odor or foam or any other unpleasant substance in our rivers, I would vote with the Majority Report in a minute.

Sadly, even after all the hours expended on this issue, I am not convinced that changes in color offer any real benefit. At best, its effect will be cosmetic. At worst, and we have yet to see a costs-benefit report, the unreasonable financial burdens demanded of our paper industry could cost us jobs and the mills themselves.

If this Bill passes, I fear for our state and its future. I hope you will join me in voting against this Bill and against the pending motion.

[Due to technical difficulties, the following members' remarks were not recorded: Senator Kany of Kennebec and Senator Webster of Franklin.]

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

Senator PEARSON: [Due to technical difficulties, all of Senator Pearson's remarks were not recorded.]...from sewerage and require the towns to do it, to come up front with the money. We have floated several bonds. We've voted on it several times and the people of the state of Maine have adopted them several times, to do exactly that.

As a matter of fact, in the 1970's, when I was on the City Council in Old Town, my home town, we separated our storm water from our sewerage in Old Town, because, at that time, there was 90% federal money, as I recall it, 5% state money and 5% municipal money and the state even helped the municipality with their money at the time. Almost every town of that size, at that time, separated their storm water from that sewerage.

As a matter of fact, we just reauthorized, within the last couple of weeks, a bond issue to continue that program, which we have had going in this state for a long time, to address the towns that are smaller in size, one of which was Howland in my district, which was passed by the Senate, sponsored by Senator Collins of Aroostook, to reauthorize the bond. We have separated our storm water in most municipalities in Maine and I would suggest to the Senator from Franklin, Senator Webster, that if Farmington has not done that, he should get them on the ball to do so.

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

Senator DUTREMBLE: Thank you. Mr. President, Members of the Senate, I would imagine that this past week in Washington, D.C., that the discussion that they had on a Clean Air Bill didn't go too much differently than what was seen here today. As a matter of fact, I think some of the same arguments used there are being used here.

If I may quote from one of our leaders, Senator Mitchell, who is, of course, one of the great originators and pushers for the Clean Air Bill, "this is the best that we have before us today." There is no question about that, it's the best that we have before us today. If someone wants to suggest that we should be doing more then they should be proposing more. Don't just wave it in front of people. Don't just wave it, propose it. Bring it before us.

I think you'll find you'll have a lot of support for it, but the good Senator from Franklin should also understand that what he is proposing are mandates to municipalities. I want to make sure that he understands that and that if he does propose such

a thing that he also proposes that we find a way to pay for it. Where we're \$210 million dollars in the hole, if there's a magic hat someplace, I would like to see it.

No, there's no misleading going on here, not by the Majority Report, no misleading at all. I think, if you went around this state and asked people, do you want clean rivers?, they would tell you, yes. If you asked them how, they'd say, anyway you can and start now. That's what the Majority Report purports to do.

By the way, back to municipalities, I would like to point out that I know that my own community, the City of Biddeford, has been fined over and over and over again by the DEP for discharges into the river or for problems with the dump or for problems, now, with the parking lot at the beach. If these aren't in the law and we've just been paying this money for nothing, send it back down to us. We'd like to have it back. No, our people in our communities have been paying when they've been breaking the law. Companies should be doing the same.

You know, I've heard, a couple of times here, probably from the same person, that we're going after the paper companies. We're not going after the paper companies. We're going for clean rivers. You know, we appreciate the paper companies being in this state. We need the paper companies in the state. I would imagine all of us respect the companies for being in this state. But, they're still our rivers. We want them clean. This Majority Report is an excellent, excellent continuation of the cleaning up of our rivers. Instead of blowing up or putting up smokescreens, we should be supporting the cleaning up of our rivers.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, while I didn't intend to engage in the debate on this matter, the thing that is disturbing is that the arguments are getting off the point.

The issue here is not what's going on in Washington. The issue here is not what's going on with municipalities in their secondary treatment. The issue here is, do we accept the report from the Committee on Energy and Natural Resources, that states what particular levels of odor, color and foam are going to be discharged by paper companies or the cost associated with bringing them to those levels. That's the issue that's before us today with this Committee Report.

The problem that I have with it is that I would like to support it, but the problem is that I get two different points of view. One point of view, from the Department of Environmental Protection, not one of my more favorite organizations in state government, but, anyway, it's a department of state government, and it says, on the sheet that's been supplied by the Department of Environmental Protection, a memorandum to Senator Ed Erwin of Oxford and Senator Muriel Holloway, from the Director of the Bureau of Water Quality, it says, James River Company cost data, \$0 million; percentage reduction of colors, 0%; color increase in rivers, 17%. This is put out by the Department and it states, that it's not going to cost James River anything to comply with the standards.

Then I find out from James River that that's incorrect, because the sampling that the Department of Environmental Protection took was during a three-month period from June to September and they took ten samples, ten composite samples, while the company has taken over 100 during that period and

they came out with two different sets of figures. Their figures and their regular steady figure was above whatever level has been established so, in fact, it is going to cost them millions of dollars.

I have information from a state department saying it's not going to cost them anything. Unless the members of the Energy Committee are willing to, we could put an amendment on this, saying that if it does cost them more than \$0, that the Department of Environmental Protection will pick up the difference. Other than that, I don't know what's going on. I wish someone would explain it to me. Thank you.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, I, like the Senator from Penobscot, Senator Baldacci, find myself in the same dilemma. It is confusing. There's no question about it. One says nothing and the other one says several million dollars. It is very difficult to know who to believe. I am intrigued, somewhat, by his suggestion of an amendment to that effect. But, you must understand that if you come from Old Town and you're given two different figures and they're so far apart, it certainly is confusing. I understand that the mill's figures might be self-serving. I understand that the state Department of Environmental Protection, because of the number of samples, might not be accurate. So there I am, in between the two.

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

Senator KANY: Thank you. Mr. President, Members of the Senate, first of all, I would like to remind the Senate that last year, Governor McKernan chose to veto the Bill that came out of the Legislature because he was convinced, by the paper companies, that there needed to be more of a study of the costs, to get more accurate costs on what it would take to meet the requirements and the standards that were being suggested. So the Governor formed a committee, the Advisory Committee on Odor, Color and Foam, on which I served and people from the industry and others.

During the summer, the industry had a study done in each individual company that had a kraft process mill, reported on how much money and what processes they would use to reduce their color pollution by 10%, 35% and 60%. I hope the two Senators from Penobscot are listening, especially. Since you've asked, I will answer this for you. They gave figures and came up with the dollar amounts and the DEP separately hired an independent consultant, which has a world renowned reputation and often is the author of some of the technical journal articles I spoke about reading too often. Jaakko Poiry is the Finnish name of this southern consultant that evaluated those figures and the processes and came to the conclusion that, in general, the paper industry was accurate and those would be the processes the individual mills would address to reduce their pollutants, their pollutant discharges into the surface waters of the state.

There was one exception, and that was the S.D. Warren mill in Hinckley and Jaakko Poiry indicated that it did not believe that S.D. Warren needed to spend that many million dollars for recovery. That was really the basic difference, so there was basic agreement at certain levels, percentage reductions. They really are in the ballpark when you're talking about the dollars that the paper mills spend, in general, on modernizations. I mentioned that S.D. Warren in Hinckley, is today spending \$375 million for a new paper machine and they reported, the other

day, that was what they had estimated it would cost and it's actually costing them close to \$400 million. You can see that when you're in that dollar amount, something that we do not deal with regularly, on a daily basis, at least I don't, that you can be a little bit off.

Now we're talking about James River, two people are particularly interested in James River and the DEP estimate. Using very good, reputable financial consultants' figures and looking at the standards, the DEP believes that James River does not have to do anything, that it really meets the standard. Senator Baldacci, from Penobscot, I'd appreciate it if you would listen, since you asked. James River says that it would cost them \$4 million to meet the standard in our Majority Report. According to Jack Healey of James River Corporation, in a statement to our Committee, on April 3, of this year, that was their figure, \$4 million. That's not all that far off when we're talking in this type of big bucks, \$4 million. It's not that great a difference.

With a number of the other companies, there's no difference, really, in the estimates. In some, there is. It just depends on their choice, and you can choose different ways to get down to lower your discharge because we are not looking for the zero discharge. I hope that answers your question fully on the costs.

Secondly, perhaps I sat down too early before. I didn't want to stay up too long, but I want to respond to the Senator from Franklin, Senator Webster, because I have a pleasant surprise for him. If he will read our Majority Report, he will find that on the standards, on the color unit discharges that are allowed, they apply to everybody, all dischargers, not just kraft process mills. It's just that all the other dischargers meet the standard, Senator Webster. All the others meet the standards and we did something extra nice for the paper companies in this Bill, which we didn't do last year, Senator Webster. We gave them an alternate means of meeting a reasonable standard and that's where we used the name in the statute of kraft process mills and that's an alternate that's not available to other dischargers. So we went way beyond the call of duty.

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

Senator MATTHEWS: Thank you, Mr. President, Men and Women of the Senate, I've listened to this debate and especially my good colleague from Kennebec, Senator Kany, and I've listened to the concerns of many in this Chamber about the environment and about cleaning up the rivers.

To listen to this debate today, I would swear that Maine has not done anything to clean up those rivers. They must be the rivers I remember as a young lad, but that's not the case. We have had progress in Maine. We have made significant progress in cleaning up our rivers. Maine and this Legislature has been responsible in addressing environmental concerns. We have listened, not only to those that talk about a clean and safe and health environment, but also a place here in Maine where our young people, our children, as the good Senator from Kennebec, Senator Kany, mentioned, our children can live and work.

The people that I represent in Senate District 13 work in the mills, at S.D. Warren in Hinckley, at Scott Paper Co. in Winslow. We're proud of those two mills. They haven't been perfect. My people in my community, in my home town of Winslow, that have worked in that mill, will talk about that issue and will tell you about the days when things were not

done to protect the environment. But, we've made progress and we're proud of that progress. We're also proud that we have a strong employer.

I am concerned today, not only with the environmental issues here, which I think need to be debated because I hear my good friend from across the Kennebec, Senator Kany of Kennebec, talking about dioxin. I have talked to those that are in environmental engineering and I hear that this is not a dioxin issue. If we want to focus in on dioxin, let's do it. This doesn't do that. I guess I wonder why. My kids and their children, I hope have a place to work, so they don't have to leave Maine.

We have a troublesome economic climate. I'm no economist, I can tell you, but I do read the papers, watch the news, get information. I'm concerned about the economic livelihood of Maine and New England. We are having some economic troubles and more ahead. My good colleague talks about the issues of a few million dollars. I'm concerned about pinpointing what economic costs we are talking about. S.D. Warren in Hinckley has spent nearly \$400 million. We're proud of that. This Senator is proud of that investment that has been made in my district, that it employs hundreds of people that I represent. I am concerned when I see the figures that have been shared by the Committee, the members of the Majority Report, that talk about S.D. Warren's being \$8.7 million when I know from the press, they talk about \$100 million for a new recovery boiler.

I'm concerned about this legislation today. I want to do the right thing. I want to see this environment continue to get better, the rivers get cleaner and employers stay here and invest here in Maine, so that more people will have jobs. I don't think the two are incompatible. But I have concerns with this report, environmental concerns, the dioxin issue, are we really focusing in on that issue and the economic costs? We should have some hard data about costs. We, in Maine, the Legislature, the state bureaucracy, have a \$3.2 billion budget. We're concerned about accuracy in figures, not off by a few million or 100 million. That's not good enough for this Senator. Let's focus in on the facts and let's get them. If we don't have them, let's get them.

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

Senator ERWIN: Thank you, Mr. President, Ladies and Gentlemen of the Senate, you have a problem that I've had some two years. It's been a pleasure serving on the Energy and Natural Resources Committee. I've got to know and make many new friends. In making these new friends, I've tried to make an evaluation. What is their credibility?

There's two individuals involved in this, that over the two year period stand very high in my esteem. That's Commissioner Dean Marriott and his assistant, Steve Grove. They have never tried to say that the evidence that they're presenting to us is accurate to a small decimal point. They have been frank and above board in all their statements to us. I wish I could say that I believe that the other side always did the same thing.

As far as the DEP sampling of the river, they did their sampling over two summers. This time of year, when the river has a high flow, do you think there's any major problems, necessarily, there then, or is it in July and August when the flow is down low? I think you'll find that's when they did a lot of their sampling.

What Steve Grove has tried to do is take some operations like IP has already got, a program started and going, and try to evaluate that and put it against what the other mills can do if they want to

do it and they can do it. He's tried to take programs that he's seen in other states, he hasn't stuck just with this state trying to get his information. In casting my vote, I looked strongly at what I thought was the credibility of these two gentlemen and as I have said I think their credibility's quite high. I wish that you all shared with me that evaluation.

As far as the town of Farmington having problems with their sewerage when they have a large rainstorm, I'm sure they don't want to do that. I'm sure they wish they had the money to go ahead and separate that storm runoff water now. I also feel sure that soon as they can, they will. They have high educational costs. Solid waste is a big cost coming down the street and I'm sure they're working as fast as they can. I, for one, don't want to slap them with a penalty. Maybe the distinguished Senator from Franklin County might want to, but I don't. I think we should work with them, do the best we can and try to help them. I repeat again, the credibility of Commissioner Dean Marriott and Steve Grove is quite high in my opinion.

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

Senator DILLENBACK: Thank you, Mr. President, Ladies and Gentlemen of the Senate, I don't want to drag this on a great deal. I probably know the least about odor and foam than anybody here. I don't pretend to know anything about it.

I have a great deal of respect for Senator Kany from Kennebec, who has studied these things. I also have a great deal of respect for Senator Ludwig, who has done a great deal of study in this matter. They're both at opposite poles on this very program. You know, I fish Moosehead Lake and I look at the color up there. It's very dark. I listen to the story about the color of the water. I was a trustee of the Portland Water District. We spent \$70 million to put in the best sewer system that you could put in the City of Portland. Every time it rains, it floods into the harbor and the raw sewerage goes out there. Apparently, there's no perfection in any of these things.

I'm all for cleaning up the rivers. I would like to see the rivers clean, but I know you're not going to do it with just this Bill. You have to do it in steps. It has to be gradual. Therefore, I would like to vote for this Amendment B, from all the information I can gather from the professionals. Amendment B would be a great step forward. But, I can't vote for that unless we defeat the Amendment that's on the floor. So, I hope you'll follow me and vote for Amendment B, if we have the opportunity. Thank you.

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

Senator LUDWIG: Thank you, Mr. President. I know the hour is late and I, too, will try to be brief. I did want to thank the good Senator from Penobscot, Senator Pearson, for expressing his confusion over the issue. I think this goes back to my earlier comment about the frustration associated with this Bill. An expert on one side would tell us one thing and an expert on the other something which contradicted it completely. This is one of the sources of our frustration and one of the reasons that I still feel that I cannot commit myself to something as strong as Committee A's report.

There was some mention earlier of the amount of money the various mills take in. I think too often we are overwhelmed by the millions that come into a business and forget how much has to go out in terms of maintenance and preparing for the future. I did

have a few figures which I thought I might just add to some that were offered earlier by the good Senator from Kennebec, Senator Matthews. Here they are, I'm not accustomed, as someone said, to a million here, a million there, after awhile, you're talking real money, but S.D. Warren in Skowhegan, the Number 3 machine, these are figures all in progress in the year 1990, they are prepared to pay \$375 million for this machine. Great Northern's East Millinocket modernization is scheduled to cost \$155 million. Great Northern's sulfite pulp mill improvements, \$35.7 million. Georgia-Pacific's recovery boiler, \$78 million. Fraser modernization, \$53 million. James River-Otis Number 9 machine rebuild, \$22 million. Madison Paper Industries upgrade, \$25 million. Boise-Cascade cogeneration project \$187 million. Boise-Cascade machine rebuild, \$52 million. Champion Turbine generator and rebuild Number 4, \$100 million. S.D. Warren Westbrook pulp mill, \$70 million. So, not counting the figures that were used earlier, we have in this fairly short list, a total of \$1,152,700,000. So, let's bear in mind that some of the money that comes in very quickly turns around to go out to provide better jobs for people in the future and better quality paper. I would request a Division on the earlier motion, please.

Senator LUDWIG of Aroostook requested a Division.

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

Senator TITCOMB: Thank you, Mr. President, Men and Women of the Senate, I included in my recent questionnaire, a question on river clean-up and I just sent out so I was sure that the figures that I am about to give you would be accurate. Of all those constituents who responded, 91% supported river clean-up. That's a pretty telling figure. 5% disagreed. I guess I have to ask myself where that 5% might work.

I believe that if we do not move ahead on this issue, I will feel very strongly that the lobbyists have earned their wages well and my constituents have not been served as well as perhaps they should be. The good Senator from Aroostook, Senator Ludwig, who I know has worked very, very hard on this issue, did say something early on in the evening that struck me at the time. I will repeat it now. She said, "if this Bill passes, I fear for our future." Frankly, I will take the other side of that issue and say that if this Bill does not pass and many more like it, I fear for our future.

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

Senator MATTHEWS: Thank you, Mr. President, Men and Women of the Senate, this issue, for all of us, I'm sure, in this Chamber, is a complicated one and a tough one. Each of us has probably done our homework or gotten research or gone to talk to those in the paper companies that are affected by this legislation and citizens. I'm sure that polls will tell you that people want clean rivers. I'll bet your polls will tell you that people want jobs, too.

It's interesting, when I did some research about this issue, that I looked to other states. What are other states doing about color, odor and foam? Very little, that I could find, and I have to rely on the staff of this Legislature and the Law Library. I looked to the Congress and the Environment Committee to find out about this issue, because we are concerned. Is this a serious issue? Is this a cosmetic issue? Again, silence on this issue. Yet, environmental efforts to clean our rivers and our environment continue. Clean air, clean water, a clean, healthy environment, but nowhere in the

Congress or around the country, are they focusing in on this issue. I guess I have to ask the question, why that is happening. I would phrase it, I guess, in a question, to those who support this Bill, what are other states doing? Why has the Congress, that is involved in clean air and clean water legislation, not spoken to this issue?

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

Senator KANY: Thank you. Mr. President, Members of the Senate, to answer the good Senator from Kennebec's question, first of all, I wish you had asked me because I could have pointed out to you some of the other states and what they are doing. There are some, primarily in the Northwest and in Alaska, that do have color standards. Secondly, I could point to all kinds of federal studies. This is an Office of Technology Assessment Study on Reducing Dioxin in the Manufacture of Bleached Wood Pulp. Congress is looking at it and, in fact, the federal government has proposed a .013 parts per quadrillion in effluent discharge for dioxin. Very slight and non-detectable, say our mills.

Our paper mills have talked us into going for perhaps, a weaker standard. We have a separate Bill that is flying through the Legislature which will allow our mills and their lobbyists to convince our BEP that the EPA's standard which is being proposed for 1992 is too stringent for dioxin reduction, instead could go for a weaker one if they can support it with data. I'm going into that a little bit because the Senator from Kennebec asked about dioxin and I wanted to tell you that in the OTA report that I just referred to and in all the other technical journal articles, they talk about the processes that need to be addressed to reduce the dioxin discharge. They are generally one in the same as those to reduce the color pollutants.

I'm trying to get across to you that by passing this today and giving our companies the time, you will be reducing dioxin, in addition to reducing your color pollutants, because the dioxin molecules are attached and they primarily come out of that bleaching process with the chlorine. What you do to reduce those is provide substitutes for chlorine. Go to oxygen delignification and other things and you are at the same time reducing the color pollutants which are easier to measure.

So we are offering you that and there is a great deal of overlap. That should answer your question. You will be doing something for your toxics and dioxin, especially, as well as for other things having to do with water quality, when you enact this very reasonable compromise measure, far less costly than what Governor McKernan was offering this year when he and his staff got very deeply into it and became convinced that this would be good also for the future of Maine, just as we, who had spent some time and gotten involved, came to understand what we're talking about.

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

Senator WHITMORE: Thank you. Mr. President, Men and Women of the Senate, I had sat here and really was not going to get involved, but some of the remarks that have been made have kind of piqued my curiosity and have brought questions to my mind and maybe in some cases, statements with regard to some of them.

I represent Auburn. Auburn borders the Androscoggin River, and we've heard the Androscoggin River's name taken in vain throughout this whole process, and I would tell you that if I fell in the Androscoggin River, I'd probably wish, if it were

cold, to take another source of ending my life than to drown in the Androscoggin River, if you will, because of its pollution. However, I can also hearken back to the 1940's and into the early 50's, my grandparents lived along the Androscoggin River, right on the river, so that when the tide came up, it also went into their basement and into their first floor. It did on several occasions. They used to paint their house white. In those days, when you painted your house white, it was only a matter of months when it turned yellow. That was from the stirring up of the water and the chemicals that were coming out of the water would discolor the paint. It was a common problem. Finally, to solve it, they painted their house green.

My only point in bringing that up is that back then it was much more severe. I think we have come light years in cleaning up the river. I want to see that process continued. My problem, as we sit here and we talk about the billions of dollars that these companies made, is that how much of those billions of dollars came from their investment in Maine and how much came from their worldwide operation? I think that we will find that the figures that have been about are as a result of the profits from a worldwide operation and maybe, in fact, the operations in Maine were really losing money.

I did hear the good Senator from Kennebec, Senator Kany, say that they asked for those figures and they were not given those figures. I think, probably, rightfully so by the companies. That is not the question, in point. Their profits are their business. It's a private entity. It's a private business. It's not a matter of public record. When they make their final report, the report of the stockholders, that gives the entire picture, it's a worldwide report. So, I don't know how it affects anymore than anyone else in this room.

Although I want to see the rivers cleaned up and I want to see that process continued, and my constituency does as well, I also have a number of people within that constituency that work in paper mills. I, too, like the good Senator from Kennebec, Senator Matthews, have great concern as to the threatening and it may not be this one thing, but if we pass five things or ten things more to say well, the paper companies can absorb this, they can absorb B, C, D, and E, pretty soon we're going to reach that point when they look at Maine and say, should we invest more in Maine or should we just hang it up? We're talking about, again, the highest paid jobs of any type of employment in the state of Maine.

So, I'm kind of locked in. I feel like I'm being squeezed from both sides. Do I support the A because I want it to continue? I certainly don't want to vote against it, but I, like the good Senator from Cumberland, Senator Dillenback, feel that B is probably more in line, is more appropriate and can be handled and we advance one step further. So, I, like the good Senator from Cumberland, Senator Dillenback, would like to see us get to the point of reaching consideration of Committee Report B. If that's the process, to vote against A, then I would suggest that that's what we do and get to Committee Report B and then at least, continue the process, but make it in a way that it's not going to threaten jobs within the state of Maine.

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

Senator ERWIN: Thank you. Mr. President, Ladies and Gentlemen of the Senate, the question has been raised as to what some of the other states are doing. Pennsylvania, Alaska, Montana and Vermont have stronger standards and laws than we are

proposing here. A call was placed this afternoon to James River in Berlin, New Hampshire, and discussed with them what they are doing. They're at 208 and we're proposing 225. They're lower than what we are proposing. I can attest to what they have done as far as cleaning up the river from personal observation.

In 1959, Oxford Paper Company put in a new water treatment plant. We had two sources that we could get the water from. One was the Androscoggin and one was Swift River. Swift River is a small river, limited supply. We took as much as we could from Swift River and as little as we could from the Androscoggin. Why? Economics. When I retired in October of 1982 from Boise which used to be Oxford Paper Company, there was very little difference in the cost of cleaning up the water from the Androscoggin River versus cleaning up the water from Swift River, which is basically a clean river. That gives you an idea of what a mill can do and what James River has done in Berlin, New Hampshire.

At the request of Senator KANY of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KANY of Kennebec to ACCEPT the Report A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067).

A vote of Yes will be in favor of ACCEPTANCE of Report A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator TWITCHELL of Oxford who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator ANDREWS of Cumberland who would have voted YEA.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators BERUBE, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTY, GAUVREAU, HOBBINS, KANY, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BOST, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, ESTES, GILL, GOULD, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senator HOLLOWAY

PAIRED: Senators ANDREWS, TWITCHELL

20 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the motion of Senator KANY of Kennebec, to ACCEPT Report A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067), FAILED.

Senator PEARSON moved ACCEPTANCE of Report B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068) in NON-CONCURRENCE.

At the request of Senator WEBSTER of Franklin, supported by a Division of one-fifth the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to ACCEPT Report B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT B (H-1068).

A vote of Yes will be in favor of ACCEPTANCE of Report B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOBBINS, KANY, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

NAYS: Senators GAUVREAU, LUDWIG, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, HOLLOWAY  
30 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator PEARSON of Penobscot, to ACCEPT Report B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068), PREVAILED in NON-CONCURRENCE.

THE BILL READ ONCE.

Committee Amendment "B" (H-1068) READ.

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) READ.

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

Senator CLARK: Thank you, Mr. President. I would pose a question through the Chair to any member who would care to respond. My question is what does Senate Amendment "A" do?

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

Senator MATTHEWS: Thank you, Mr. President. First of all, I appreciate the question from the good Senator from Cumberland, Senator Clark. I was scrambling to try to find my copy under a pile of supplements and legislation and everything else. I appreciate that. My amendment is simply a technical amendment that was omitted in the drafting. The amendment simply adds the language that compliance with the instream color standard be determined on a calendar, quarterly average.

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

Senator DUTREMBLE: Thank you. I would like to pose a question to anyone who cares to answer. What's the Bill say now and why are we changing it?

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

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion of Senator MATTHEWS of Kennebec to ADOPT Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068).

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

#### COMMITTEE REPORTS

House

#### Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Provide for Immediate Income Withholding and Periodic Review and Adjustment of Child Support Awards in Support Enforcement Cases of the Department of Human Services, to Provide an Expedited Process for the Commencement of Paternity Actions and to Provide for a Trial Preference for Paternity Actions"

H.P. 1732 L.D. 2391

LEGISLATIVE RECORD - HOUSE, APRIL 6, 1990

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1088).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1088) READ and ADOPTED, in concurrence.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act Concerning the State Minimum Wage"

H.P. 1646 L.D. 2279

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1046).

Minority - Ought Not to Pass.

In House, April 5, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046).

In Senate, April 5, 1990, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

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

Senator BALDACCI of Penobscot moved that the Senate ADHERE.

Senator BUSTIN of Kennebec moved that the Senate INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

Senator BALDACCI of Penobscot requested a Division.

At the request of Senator BUSTIN of Kennebec and supported by a Division of one-fifth the members present and voting, a Roll Call was ordered.

Senate at Ease  
Senate called to order by the President.

On motion by Senator DUTREMBLE of York, ADJOURNED until Friday, April 6, 1990, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
44th Legislative Day  
Friday, April 6, 1990

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

Prayer by Reverend Jang Don Joo, Elm Street Methodist Church, South Portland.

The Journal of Thursday, April, 5, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 5, 1990

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following upon the recommendation of the Joint Standing Committee on Energy and Natural Resources:

Dr. Thomas E. Eastler of Farmington for reappointment to the Low-Level Radioactive Waste Authority.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 5, 1990

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Agriculture:

Donald W. Buzzell of Fryeburg for reappointment to the Animal Welfare Board.

Rachel Leighton of Milbridge for reappointment to the Animal Welfare Board.

Upon the recommendation of the Joint Standing Committee on Judiciary:

Ronald L. Vigue of Berwick for appointment to the Workers' Compensation Commission. Ronald L. Vigue is replacing Roland Beaudoin.

Upon the recommendation of the Joint Standing Committee on Legal Affairs:

Margaret C. Kenney of East Winthrop for reappointment to the Maine State Lottery Commission.

Charles H. Milan, III of Brewer for reappointment to the Maine State Liquor Commission.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333