

# 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

Representative MARSH: Mr. Speaker, I also request permission pursuant to House Rule 19 to be excused from voting.

The SPEAKER: The Chair will grant that request.

Representative Gwadosky of Fairfield requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

On motion of Representative Michaud of East Millinocket, tabled pending passage to be enacted and later today assigned.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1484)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1990 (EMERGENCY) (H.P. 1822) (L.D. 2495) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1484)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Enhance the Ability of the State to Respond to Oil Spills (H.P. 1691) (L.D. 2341) (C. "A" H-1056) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds voted of all the members elected to the House being necessary, a total was taken. 108 having voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Pineau of Jay, Adjourned until Saturday, April 7, 1990, at ten o'clock in the morning.

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

In Senate Chamber  
Friday  
April 6, 1990

Senate called to Order by the President.

Prayer by the Honorable Barbara A. Gill of Cumberland.  
HONORABLE BARBARA A. GILL: Good morning everybody. I would ask God to look down on this Chamber today, and give us the strength to get through these next few days, in a bipartisan fashion. We have many issues that we have to deal with, and I hope He gives us the grace and the wisdom to deal with them in a way to meet all the needs of the people of Maine. Amen.

Reading of the Journal of Thursday, April 5, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent 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 (C "A" S-643)

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-643).

In Senate, April 5, 1990, Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-643).

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator BERUBE of Androscoggin, the Senate INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

Sent down for concurrence.

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

Senator GAUVREAU of Androscoggin

Senator BERUBE of Androscoggin

Senator WHITMORE of Androscoggin

The Secretary has so informed the Speaker of the House.

House Papers

Bill "An Act Concerning the Use of Live Animals in Games"

H.P. 1781 L.D. 2450

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

On motion by Senator WEBSTER of Franklin, under suspension of the Rules, READ ONCE without reference to a Committee.

The Bill, LATER TODAY ASSIGNED FOR SECOND READING.

Joint Resolutions

The Following Joint Resolution: H.P. 1790  
JOINT RESOLUTION PETITIONING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE

FEDERAL CONSTITUTION TO LIMIT THE TERMS OF MEMBERS OF CONGRESS

WHEREAS, Congress was originally envisioned by the Founding Fathers as a nonpartisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for 4 to 5 months annually; and

WHEREAS, the press of the nation's business has forced the Congress to become a highly structured, professional and hierarchical institution rather than the informal, flexible gathering of citizens and legal intellects that obtained in the Federalist Era; and

WHEREAS, the power of incumbency has grown over time and, with the institution of electronic media, has increased to the point that the incumbent is nearly unassailable in any normal election; and

WHEREAS, the seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity; and

WHEREAS, innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people; and

WHEREAS, the most common complaint that the public makes about congressional service is that members of Congress spend more of their time running for office than attending to their duties; now, therefore, be it

RESOLVED: That the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, limiting the number of terms a person may serve in the United States House of Representatives to 6 consecutive terms and limiting the number of terms a person may serve in the United States Senate to 2 consecutive terms; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of the Maine Congressional Delegation and to the presiding officer of each house of each state legislature in the United States.

Comes from the House READ and ADOPTED.

Which was READ and INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

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 Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies" (H.P. 1598) (L.D. 2222) (C "A" H-1018):

Representative TARDY of Palmyra  
Representative CONLEY of Portland  
Representative MARSANO of Belfast

Sincerely,  
S/Edwin H. Pert

Clerk of the House  
Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

COMMITTEE REPORTS

House

Pursuant to Joint Rule 13

The Committee on JUDICIARY on Bill "An Act to Modify Joint and Several Liability in Medical Malpractice Actions"

H.P. 743 L.D. 1026

being reported to the House pursuant to Joint Rule 13.

Comes from the House with the Bill and Accompanying Papers INDEFINITELY POSTPONED.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not quite sure what position this Bill is in, it appears that there has been no recommendation from the Committee, but if it is in it's pure form, I would move the Passage of the Bill, if that is in order, Sir.

THE PRESIDENT: The Chair would answer in the affirmative.

The Bill READ ONCE.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that this is the Bill that is a hold over Bill, and as a matter of fact, I think it has rested for sometime up in the Judiciary Committee, perhaps for a couple of years or so.

But as I recall, this was the Medical Malpractice Tort Reform Bill that provided for a division of damages in that type of case, and I think it is worthy of debate, and I happen to favor the proposal, it suggests that in the several liability tort proposals, that there be a division of the liability based on the extent of the damages. I think we are all aware that the doctors and hospitals are plagued by the liability crisis, and it is reflected in our costs for health insurance, and the bills we pay at hospitals and to doctors. I think the time is come when we ought to do something about it, and this appears to be a rather modest attempt to do that. I think you are all are aware that there were a number of tort reforms proposed in this Legislature, and in the prior Legislature, and most of them have not found their way to the floor. I was hopeful that the Committee might work this to the point that they made recommendations and we might have something a little more substantive to debate. I confess that my remarks are based on recollection, and I can't in great detail tell you all the merits of the Bill, accept I think it is one I am very much supportive of, and since it comes to us from the House, apparently, in order to keep this alive we should pass the motion that the Bill be accepted. That would keep it alive for further debate. Thank you.

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

Senator HOBBS: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is with some irony that I turned on the speaker upstairs in our Committee room, and we had begun to work in a workshop on this very issue, Medical Malpractice.

We have, fortunately, one vehicle which we have re-referred to the Judiciary Committee, which our has a work session scheduled at 9:00, in which we will

proceed to put out what will be two Reports for your consideration. I would hope that this Body would honor the wishes of the Judiciary Committee, and allow us to present that debate, in this forum and the other forum, when the final language is done. I think it is premature at this time, but if you want to debate this issue now, I will have no problem, because what will happen in this Body, is that we will probably pass something, and the other Body, might, and I am not supposed to talk about that, pass something else.

We are trying to in our good will and good faith of our Committee, to pass some type of reform, that will benefit the people of Maine. So I would hope that you would not keep this Bill alive.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I was unaware of the actions of the Judiciary Committee, and if they are, in fact, working on this issue and have a vehicle to do something, I am well satisfied, and I would ask Leave of the Senate to withdraw my motion.

THE PRESIDENT: The Chair would advise the Senator that the most appropriate motion at this time would be Indefinite Postponement of the Bill.

Senator COLLINS of Aroostook moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I request to ask a question, perhaps to the Chairman of Judiciary? My question would be, the hour was late, and everything was confusing last night, and I am not sure what that vehicle is, could you help us out on that please?

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

Senator HOBBS: Thank you Mr. President. Ladies and Gentlemen of the Senate. In response to the Senator from Sagadahoc's question, the vehicle that we have is a Bill that is sponsored by a member of this Body, the Senator from Androscoggin, Senator Gauvreau. We have that one vehicle that we are working on in our Committee, we will have what appears to be two Reports, and I believe that we will have plenty of opportunity with that one particular vehicle, to debate all the merits of this particular issue.

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

Off Record Remarks

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Ensure Continuity of Health Insurance Coverage"

H.P. 1641 L.D. 2274

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1090).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1090) READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-1090).

The Committee on JUDICIARY on Bill "An Act to Improve Protective Services for Incapacitated and Dependent Adults"

H.P. 1754 L.D. 2417

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1041).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1041) AND HOUSE AMENDMENT "B" (H-1080).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1041) READ and ADOPTED, in concurrence.

House Amendment "B" (H-1080) 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.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Reduce the Use of Toxic Substances in the Workplace and Minimize the Generation of Hazardous Waste"

H.P. 1583 L.D. 2192

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1082).

Signed:

Senators:

KANY of Kennebec

ERWIN of Oxford

Representatives:

HOGLUND of Portland

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 Not to Pass.

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

LORD of Waterboro

ANDERSON of Woodland

GOULD of Greenville

DEXTER of Kingfield

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-1082).

Which Reports were READ.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish a Hazardous Waste Minimization Program"

H.P. 1674 L.D. 2316

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec

ERWIN of Oxford

Representatives:

HOGLUND of Portland  
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 "A" (H-1083).

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

LORD of Waterboro  
ANDERSON of Woodland  
GOULD of Greenville  
DEXTER of Kingfield

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

Which Reports were READ.

Senator KANY of Kennebec, moved to ACCEPT the Majorily OUGHT NOT TO PASS Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator KANY of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

ENACTORS

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

An Act to Establish the Department of Families and Children

H.P. 1199 L.D. 1666  
(H "A" H-1008 to C  
"C" H-820)

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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 (4/5/90) Assigned matter:

Bill "An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards"

H.P. 1418 L.D. 1970

Tabled - April 5, 1990, by Senator DUTREMBLE of York.

Pending - Motion of Senator MATTHEWS of Kennebec to ADOPT Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) in NON-CONCURRENCE

(In House, April 5, 1990, Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067).)

(In Senate, April 5, 1990, Reports READ. ACCEPTANCE of Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067) FAILED. Report B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068) ACCEPTED in NON-CONCURRENCE. Committee Amendment "B" (H-1068) READ. On Motion of Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) READ.)

At this time, The Honorable Edmund S. Muskie, entered the Senate Chamber and was escorted to the Rostrum, amid applause, the Members rising.

THE HONORABLE EDMUND S. MUSKIE: Mr. President. Members of the Senate. I am delighted to be here. My nose lead me to this room, apparently it had something to do with the legislation you're dealing with.

I am delighted that this issue is growing in importance and visibility, and attention around the country. I think when I was Governor back in the fifties, we tried to do something very minor, to deal with the problem, and didn't succeed. Well, the problem has grown since that time, and the attention given has grown, and I think the measures taken have grown since that time.

I think it is a wonderful coincidence that in the same week that the U.S. Senate passed a Clean Air Act in Washington, that the Maine Legislature should be working on this water legislation today. I congratulate you and wish you success.

I am not sure that it is possible to anticipate unanimity, but that is not the hallmark of our system. The hallmark of our system is that we can disagree, and still, the right causes can win. So for the cause, I wish you luck, and thank you very much for your warm welcome.

Whereupon, the Honorable Edmund S. Muskie retired from the Senate Chamber, amid applause, the Members rising.

Senator MATTHEWS of Kennebec requested and received Leave of the Senate to withdraw his motion to ADOPT Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068).

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "B" (H-1068).

The Chair laid before the Senate the Tabled and Later (4/5/90) Assigned matter:

Bill "An Act to Correct Errors in the Solid Waste Laws"

H.P. 1705 L.D. 2354

Tabled - April 5, 1990, by Senator CLARK of Cumberland.

Pending - ADOPTION of Committee Amendment "B" (H-1070) in NON-CONCURRENCE

(In House, April 5, 1990, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069).)

(In Senate, Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1070) Report READ and ACCEPTED in NON-CONCURRENCE. Committee Amendment "B" (H-1070) READ.)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-660) to Committee Amendment "B" (H-1070) READ.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask for a Division, and I hope you vote against the pending motion, the Amendment being offered by the Gentlewoman from Kennebec, Senator Bustin, would allow the continuation of a number of things that the Maine Legislature chose to ban.

It would allow continuation of the existence of the connectors, the six-pack connectors until the end of December, and the ban would go into effect this fall without the Amendment. There is no need to continue to have those, they threaten our wildlife, and obviously, they are just a litter throughout the state, and they would allow a number of other items to continue in existence.

Among them would be the aseptic packaging, and our Committee unanimously chose to kill a Bill earlier this year that would have allowed the continuation of aseptic packaging. The reason was, it is something in which there is a lamination of two or more types of materials such as plastic and or aluminum, and the usual aseptic packaging, or brick packs, has three different materials laminated together, and they are not separated. If they were separated, they could be recycled, but we have not seen any actual recycling of these laminated materials. In fact, what was offered to us, was a suggestion that aseptic packaging come under the Bottle Bill, which would have been ridiculous. It was ludicrous, in that, what it would have meant was that our poor retailers and redemption centers would have had to collect all this laminated material, the brick packs, or the aseptic packaging, and what would they do with them? Up to that point, 100% of what was under the Bottle Bill was being recycled, about 100%! But the aseptic packaging, because of the lamination of the materials together, could not be recycled, so what would they have to do, they would have to take it to a dump, or do something like that. That the purchaser and consumer could have done just as well. So it was really a ludicrous proposal, it was absolutely ludicrous.

And in addition, those who wanted to continue to allow aseptic packaging in the state, actually said, that they could compost it. By the way, the person who came with the composting proposal, just a couple months earlier had written and said at the Common Ground Fair, for three days they were able to recycle everything, except for a minute percentage of the waste from the Common Ground Fair, which primarily consisted of this aseptic packaging. That same individual came and suddenly said it could be composted. But we looked at that compost, and you know what it looked like, it was as if you had just torn up in little tiny pieces of those laminated materials and thrown them in with compost. You could have just as easily thrown them here on the rug, on the carpeting, and vacuumed it up. So it was really kind of ludicrous.

And I urge you not to go along with this Amendment, there is no need to keep these particular materials here in the state. And if they ever can recycle them, perhaps they will come across some process in the future, and it could be economically possible, then I am certain the Maine Legislature

would be very reasonable and be happy to allow them in the state again. But that is not the case now, and we have a solid waste crisis. We all know that. So please, vote against the pending motion.

Senator KANY of Kennebec requested a Division.

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Off Record Remarks

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. This was a Bill that was defeated in Committee, and I was a co-sponsor of that Bill, and I was at that Hearing, and I did see the composting in the three different jars, and I think there is a possibility of composting and recycling that material.

However, I would not have offered that kind of Amendment to this Bill, had it not come to my attention, that in fact, the non-carbonated juice containers are being pushed off until December 31, 1990, and I think that all aspects of that particular part of the Waste Management Law ought to be treated the same, and if you are going to do that for the non-carbonated juice containers, then you ought to extend the same kind of courtesy to the aseptic packaging. As a matter of fact, and that is the only thing that I am asking for, the plastic six-pack rings are not, are not part of this Amendment. That is not what we are asking for here. All we are asking is that both the juice packs and the juice glasses be treated at this time frame, December 31, 1990.

It is in fact, on these juice boxes, the aseptic packaging, recycling is starting in Canada this month. That additional four months will give us in this state, reason to believe or not believe these aseptic packaging items can be recycled. I think we owe it to the industry, to at least extend them that four months, seeing you are doing it for the juice containers. I would appreciate your supporting the motion.

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Off Record Remarks

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

Senator BUSTIN of Kennebec requested and received Leave of the Senate to withdraw her motion to ADOPT Senate Amendment "A" (S-660) to Committee Amendment "B" (H-1070).

Committee Amendment "B" (H-1070) ADOPTED, in NON-CONCURRENCE.

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

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

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

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The Chair laid before the Senate the Tabled and Later (4/5/90) 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 KANY of Kennebec.

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, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (H-952).

House Amendment "A" (H-1040) to Committee Amendment "A" (H-952) READ.

On further motion by same Senator, House Amendment "A" (H-1040) to Committee Amendment "A" (H-952) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-665) to Committee Amendment "A" (H-952) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just an explanation on the Amendment that is being offered, and that is after listening to the wisdom of the Senator from Penobscot, Senator Pearson, our Committee looked at some of our legislation to see if we could remove any fiscal notes or any monies attached, and in this instance, we chose to eliminate the increase in the rate of compensation for members of the Board of Environmental Protection, that was proposed in the Bill, and I further hope that the Amendment is Adopted.

On further motion by same Senator, Senate Amendment "A" (S-665) to Committee Amendment "A" (H-952) ADOPTED.

Committee Amendment "A" (H-952), as Amended by Senate Amendment "A" (S-665) 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 following Unfinished Business (4/5/90):

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.)

(In House, April 5, 1990, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.)

(In Senate, April 5, 1990, Senator BALDACCI of Penobscot moved to ADHERE. Senator BUSTIN of Kennebec moved to INSIST and JOIN IN A COMMITTEE OF CONFERENCE.) (Roll Call Ordered.)

Senator BUSTIN of Kennebec requested and received Leave of the Senate to withdraw her motion for a Roll Call.

Subsequently, on further motion by same Senator, the Senate INSISTED and JOINED IN A COMMITTEE OF CONFERENCE.

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

Senator BUSTIN of Kennebec.

Senator DUTREMBLE of York.

Senator WHITMORE of Androscoggin

The Secretary has so informed the Speaker of the House of this action.

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

HOUSE REPORTS - from 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

(C "B" H-1063)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1062).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-1063).

(In House, April 5, 1990, 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).)

(In Senate, April 5, 1990, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1063) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1063) in NON-CONCURRENCE.)

(In House, April 5, 1990, that Body ADHERED.)

Senator KANY of Kennebec moved that the Senate RECEDE and CONCUR.

Senator CLARK of Cumberland requested a Division.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am only mildly familiar with this particular land swap, but as I understand it, there is a chance here to pick up quite a number of miles of lake front on Moose Head, and the discussion that I have heard is that while that is laudable, that there is not any guaranteed access to this property. I just happen to think that we probably ought to grab, in my opinion, the shoreline while we can, and work out the access problem later if that is possible.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. Neither I or my colleague, the good Senator from Penobscot, Senator Pearson, did not have extensive knowledge of the subject matter before us today, on L.D. 2246. However, it is my understanding that this legislation would authorize the state to enter into a land transaction which would acquire an important parcel near Moose Head Lake, that is correct.

My concern here is that the legislation before us would also extinguish rights of way, which abutters to the property in question believe they now have, and it is my understanding that this matter is, in fact, pending in court, and so we would be legislative fiat essentially preempt the ability of the court to solve the issue in question. That is a concern of mine.

Secondly, from my review of this matter, I believe that the parcel which is being proffered to the state, was on the market last year, was not sold, seems to me that the state probably can go back to



the bargaining table, secure the property in question, and not divest abutters their property rights in the bargain.

I would urge the Body to vote in opposition to the pending motion to Recede and Concur this afternoon. Thank you.

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

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. The area in this Bill that we are going to be gaining, 16, 15, 14 miles of shore frontage on Moose Head Lake, is either in my district, or very near to it, and I represent this area of the state along with Senator from Penobscot, Senator Pray. I have concern about this Bill for the simple reason that it seems to me that if we are going to be trading public land, elsewhere in this state to gain land, valuable land like this, it ought to have public access. And my concern is the way I read the Bill, there is no public access, and it seems to me if we are going to have land in this state, and take public land that we currently own, to get other land, the people of this state ought to be able to use it, and I don't see that, and I am concerned about that, and for that reason I would hope you would oppose the current motion. Thank you.

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

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

Senate called to order by the President Pro Tem.

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

Senator KANY: Thank you Madam President. Ladies and Gentlemen of the Senate. I find myself in an odd position here, at the moment. The Energy and Natural Resources Committee reported out a Bill, 12 to 1 in favor of the land swap as proposed by the Department of Conservation. That is actually a 19,250 acre trade by the state for 9,540 acres of forest land, including 10.4 miles of high valued lake frontage, including on Moose Head. I was the one opposed to the swap at it proposed, the one member of the Committee. The Senate adopted that Minority position because there are others in the Senate, including I, who would really prefer to assure public access to the new parcel. The truth of the matter is, that, the trading in the Moose Head area was really done with Scott Paper Company, and Scott chose not to offer a public access easement, because it said, and with reason, it said it has traditionally allowed public access for much of the year, and it would stand by its word to offer it.

I believed and appreciated the young man, Tom Colgan, that made that statement to our Committee. But my problem with that, just the assurance by word of a company that they would continue to allow public access, vehicular public access, was that Scott Paper may not own that land in the future, there may be different management, but primarily, especially with all that happened in the Maine forest this year, with ownership changes and suggested changes, I thought it was important to make certain that we in this trade,

began to talk, and to insist upon public access, so that is why I signed out on the 12 to 1 Report.

Now, that really is not available to us to finalize the agreement, and so, instead of the possibility of losing this wonderful opportunity for this very special land in Moose Head, and frontage on Moose Head, and other lands in this trade, I am really making the motion to go along with the other twelve members of the Energy and Natural Resources Committee, and to go forward with the transaction, even though it isn't just as I had hoped it would. That is why I find myself in this very unusual position of standing here arguing against my own 12 to 1 Report, and I believe in sixteen years, this is the first time I have ever signed out as a 1 on a 12 to 1 Report. But it is very special land, and I hope that the people of the State of Maine will have the opportunity to own this wonderful land.

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. I said that the Senator from Kennebec, Senator Kany, was absolutely right on the first Report, and I am going to stick with her even if she might change her mind, on her first Report.

I want to clarify a few things first of all. Obviously, I think while Moose Head Lake is obviously important to the State of Maine, I have felt all along that all land is important to the people of this state, rather it be the access to the coastal water front properties of our state, or be at the inland great ponds of our state, wherever that was, the public should have access to that area.

I want to clarify, though, because if you pull out the Bill, and you turn to Exhibit "C" in the Bill, just to clarify the access issue, it deals with roadways that presently exists in that, and it says that, "The said right of way over said roadways, is conveyed upon and subject to the following terms and conditions:

1. These granted rights to the State of Maine does not permit by the use by the general public.

Boy, we are really helping the people of this state by spending there money, aren't we. Number two:

2. The rights granted here are solely for the access to the granted premise paid above and to any land interest therein now owned and thereafter acquired by the grantees adjoining the granted premises and shall not be used for the access to any other premises.

We're spending our citizens tax dollars, I think that's the general public. That is one interesting fact of it. Two, we are conveying land that we now own, 19,270 acres, give that land away, because we thought it was important, and somewhere along the line we bought it, in exchange for 10,000 less acres, roughly, for 9,549 acres.

What have we traded! If you look at the maps in here, and you look at the legislative proposal, they show you all kinds of interesting maps, which probably don't really mean a whole lot to somebody that is not from the area. Absolutely, shorefront property, we all recognize as a higher value, and something that we need to have to preserve and to protect, and I think that is a laudable goal.

But I think that we have got to do it right. Maybe we have got to do it right the first time. I don't think that we should be passing a proposal, and saying we will take care of it later, just in the desire to acquire, just in the desire to hold and possess in the name of the public, the same people that we are denying access to that land by using

existing roadways. Of course I know what will happen, the Bureau of Parks and Recreation, the Bureau of Public Lands, will have access to that land as they all go up there in there L.L. Bean boots, and sleeping bags and so forth. But the general public, those that buy them at the K-Mart, their sleeping bags and boots, won't have that opportunity.

But, also, there is another very important part that I think the Senator from Androscoggin, Senator Gouvreau, brought up, and it is the settlement of a present dispute that sits in the courts. We have had a long tradition to try to stay out of court matters, and if you read the Statement of Fact in the Bill, the transactions outlined in this Resolve, "Involve proposed conveyance of several parcels of public lands, and to the settlement of a boundary line dispute involving public lands." But it takes the states position, not the position of those who are arguing in court, as to where those boundary lines exist. So we have really got to be careful and think on about how you are going to vote on this proposal, because not only the question should we give 10,000 acres away deny the public as we spend there tax dollars for the purchase of this land, let alone that the fact of the price, if you calculated that out. It is very important that you consider exactly what we are doing. We have a long standing tradition of accepting these land swaps without questioning them, and I think it is about time we started to realize what we have been giving away.

Not related to this particular Bill, but I happen to have a constituent in my district who sells real estate. He had a parcel of land that he attempted to sell for a couple of years at \$250 an acre, but could not find a buyer. He ended up selling it for \$185 an acre, and within a year, the state bought it for about \$585 an acre, because somebody in Augusta said that land is valuable, and we have got to hold, and protect, and preserve this forever.

It would have been better if we had hired some agent just to go out and buy this land, and not tell them they were buying it for the state, and we sell it to them on a commission, because we end up paying four, and five, and six times what that land is being offered, until all of a sudden the state says, we're interested in it. Up goes the price! Let's really rip off those tax payers, because we know that there is such a strong environmental concern today, to protect, and to preserve wild lands in unique areas. I think there are allowable goals and goals I want to achieve, but I don't want to be ripped off in the process, and I am afraid that every time we carte blanche past these proposals, we foster the ability to those people to rip off the taxpayers, and we have got to look at this proposal in it's entirety as to what it is.

I can't argue the points of the Senator of Penobscot, Senator Pearson, that this is valuable land, but this is land important to the people of the State of Maine. But let's look at that issue, too. One, we know the land isn't going anywhere, it is going to be there, we know that this proposal will be back if we reject it because the Bureau will go out and negotiate with Scott Paper Company, who wants to sell it, because they have already cut every tree that is worth anything on it. They don't want to hold it for another forty years until there is another growth of trees there to cut again. This is not the first time they have attempted to get rid of this land, willing to sell and trade for other land that had trees on it for sometime.

It is my understanding, the Land Use Regulation Commission has a moratorium on development around these lakes, so that's not going to happen. The

State Planning Office is attempting to work out transferable development rights on Moose Head Lake, trying to work with local groups of being sure that this land isn't developed in the interim. So there are all kinds of things that are taking place to make sure that this land isn't sub-divided, and sold off, or that it is a value to anybody that does it in the interim. I am not sure who would go out and buy 10,000 acres of land without road access, except for the State of Maine. Anybody else out there would say yes, I would love to have that land, but I can't use the road that is there. It just isn't going to happen. And I want each and every one of you to rest assured that this proposal will be back, hopefully, in a better form, and when it comes back in the 115th, then we will address some of the concerns of the people of this state.

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

Senator WEBSTER: Thank you Madam President. Ladies and Gentlemen of the Senate. I would like to continue on with what I said previously about this measure. The Moose Head Lake area, I represent the area of Rockwood, and it is a beautiful part of the state. It ought to be preserved, but I am not an expert on land values, and I am not sure if the state is getting a good deal here or not. Maybe the blocks of woodland we are trading somewhere outside of Moose Head Lake, maybe it is a fair trade, I am not arguing whether it is or not. When you can pick up 9.5 miles of shore frontage on Moose Head Lake, when the people of this state can get that, and gain that through a trade, it's a good deal.

My concern is plain and simple. I don't like to pass a law that says the public doesn't have access. If the paper companies want to say they own the roads going to this parcel, if they want to say, years from now we own this land, we don't want the public to go across it, I don't have a problem with that because they own the land. But my concern is I don't want to put in a Bill we pass here, saying the public can't have access to it. That is my real concern here.

I couldn't argue, I am not an expert on land swaps, I assume the Department has qualified people, assume they know what they are doing down there, I assume this is a good deal. I know that 9.5 miles of shore frontage is a lot of miles, and a lot of pristine shore frontage that we ought to have. But I don't want to pass a law here, never want to be part of any kind of legislation and be involved in passing a law that says the public will not have access. If the paper companies later want to say we can't use your road, it is different. If we can't use our roads that is different. But I am not going to be party to this if it is going to say the public doesn't have access, and this Bill, the way I read it says, the public will not have access.

The good Senator from Penobscot, Senator Pray, has read to you, and if you read the Bill, it will say that there is no access to this land. And as far as I am concerned, as long as that is in the Bill, I am not voting for it, I would hope that you would reject the motion so that we could Adhere, and we could send the state back to the bargaining table. I think that the points made from the good Senator from Penobscot, are true. I am not sure at this point that anybody is going to buy that land because of the current atmosphere here in the legislature about development, which is probably a good thing, because I don't think we want condominiums on all this land. But regardless, I don't feel this is a good deal when it says the citizens of the state are not going to be able to use it, and not have access to it. Thank you.

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

Senator DILLENBACK: Thank you Madam President. Ladies and Gentlemen of the Senate. I fished this shore for many, many years. It's beautiful land, a lot of birch on it, it's open gravel type beach, it is a lovely piece of land. I would like to have somebody answer this for me, the problem is the people that use that mostly come by boat. They beach their small boats, fishing boats on the shore, they camp there, they have been doing it for years. The problem about access to this land is, as I understand it, and this is the question that I ask. To get access, you would have to come across somebody else's property. You are not buying the whole area, you are just buying this area right here, and to get access you would have to get access from somebody that owns the property. And I don't believe they have done that. There is a tote road that runs up through there, there is also an old farm up there, somebody owns a parcel within that. So how are you going to get access unless you negotiate with other owners? I wish somebody would explain that to me.

Off Record Remarks

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

Senator COLLINS: Thank you Madam President. Ladies and Gentlemen of the Senate. I don't appear to know a great deal about this proposal, but in looking at some of the exhibits that are attached to the Bill, and the good Senator from Penobscot, Senator Pray, referred to Exhibit "C", I note that in the second paragraph that it talks about the location of a new access road. It says that Exhibit "B" depicts the existing road, and the approximate location of a proposed new road for public access. The Bureau will negotiate with the claimant to relocate current access from its present location to a new route, in return to a deeded right away at the proposed relocation, the state would relinquish any claims to use the existing way. And it goes on to say there is advantage to both parties in the proposed relocation, the new route would be much easier for the state to maintain as it lies on high ground, and further damage to the claimants fields adjacent to the existing road would be avoided. Since I don't know any more about it than that particular paragraph, I would be delighted if someone would respond to that. Thank you Madam President.

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. In response to the good Senator from Aroostook, Senator Collin's question, if the good Senator would turn to Exhibit "A" (in the document). I have always wanted to practice law. To the good Senator from Aroostook, Senator Collins, the page is approximately eight pages from the back of that section, you will see a large lettering across the top that says "Days Academy".

It has been numerous years since I have been down in that area personally, but first of all a couple of responses. It would be my uninformed opinion, but never the less my opinion, that the comments of whether that would be a better location, is again, the sole opinion of the state. The existing road in the part that deals with the intersection of that, was not built by Scott Paper Company, nor was it built by the state. It was built by the particular individuals who have reason of duress, and are now involved in a court situation. They constructed the road, it was located and met all the LURC standards, and everything else to be constructed. So relocation would require additional expense by them of maybe up to \$100,000 or so, to again construct and go through the permitting process of construction of another road. Whether the state said it would look nicer over there or not, it is a little bit higher ground. The existing road met the standards and requirements of our environmental laws. That would be my concern there.

In reference to a greater concern of access, as you also look at that Exhibit, you see a number of other roads systems that go through there. We're not just talking about the one particular situation dealing with people who are involved in the court case, we are talking about the remaining road sections that go through the Day Academy. I want you to understand that I don't believe that everybody should necessarily have access of going through there with their four-wheel drive vehicles to get to every part of that. I am not expressing a concern about that. My concern is that this Document states that there will be no public access. What if the Bureau of Parks and Recreation, or Bureau of Public Lands said, maybe we ought to open this up to have vehicle access to it along the northern part of Day Academy, to relieve other points of Moose Head Lake from the pressure of the increased recreational use. They could not do that until they came in and asked for a legislative change, or to change this agreed conveyance of land that we verified, or accept in by passing this piece of legislation.

I think it is a rather cumbersome way to do it. I think there is a better process, and I think at some point we had better start clarifying the interest of the Maine public on the land. Again, I want to stress, because I think it is valuable that people clearly understand, it is not an attempt to open up it up to uncontrolled utilization. I don't want 101,000 people going into the Day Academy area that was purchased, or along the easement. Again, on the Exhibit "A", in the lower section, the double lines that you see along Spencer Bay, which is a conservation easement section, I don't want to see a concentration of utilization down in that area as well.

But I don't think that the Bureau of Public Lands or the Bureau of Parks and Recreation has been best serving the public of this state over the past several years. In their attempts to promote some type of divine wilderness preserve that will be used by somebody a thousand years from now, I think we

have got to start thinking about the use of the people that we have today. Thank you.

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

Senator KANY: Thank you Madam President. Ladies and Gentlemen of the Senate. I wanted to add something just to further clarify the answer to the good gentlemen from Cumberland, Senator Dillenback. And that is, that if you read about Exhibit "C" in the Bill, you will see that the deeded right of access is to the State of Maine for its use only, a right of way for other land management and administrative purposes only. So it is not an assured public access, but just for the state for management purposes. I just wanted to make that clear, and that the public access that the state's assurance was received, was an oral policy statement by Scott Paper Representative, pointing to Scott's tradition of allowing public access.

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 apologize to the membership for rising again, because I am not rising at this particular point to talk about the legislative proposal that is before us at this time, but to compliment the Senator from Kennebec, Senator Kany, in reference to her ability to express her prospectives on this type of issue, despite what a major landowner in this state, a major paper company in this state, has attempted to do to this state in the last few days.

Last night when we adjourned out of session somewhere around 12:30 or so, I walked out into the hallways and was met by a Representative of Scott Paper Company, who handed me a letter that is published in the Kennebec Journal today. A full page ad that goes after the good Senator from Kennebec, Senator Kany.

The Senator from Kennebec, Senator Kany, today has in reference to this debate talked about the agreement between Scott Paper Company and the state as being in the best interest of this state, and has kept her prospectives about it. Truthfully, it is a prospective that I don't know I would have the capacity to do at this particular point. As a matter of fact, I think it will be quite some time if I am willing to forgive Scott Paper Company and what it has done. The true compliments need to go to the Senator from Kennebec, Senator Kany, and her ability to keep a clear prospective of the interest in this state on these particular issues as we deal with them today.

Obviously, we have recognized over the past several years the Committee on Energy and Natural Resources, which has become one of the one busier Committees that we have, dealing with very technical, tough, and difficult decisions that need to be made. Because obviously, when we deal with our environment, we always have to question the interpretation of the implications to employment opportunities to the economies of this state, and weigh them on future returns.

The future quality of life that all of us of both political parties are so great to talk about in election years, to talk about the desire to protect and preserve those qualities of life, which includes not only a good paying job, but also includes a healthy environment of which ourselves and our future generations will not be subject to the rash of disease, and pollutants, and toxic materials that are going into our rivers, and on our lands, that we are finding out about over a period of time, to be able to make those types of tough decisions the Committee

in a bipartisan fashion. I am still amazed at the number of proposals to see how people are willing to reach a consensus and a compromise in that Committee on issue, after issue, and come up with agreement on some real tough things that do have economic implications.

And for a company to so selfishly, so selfishly, perceive and attempt to go back to the days of the fifties and the forties when they used to run everything, when it was all right to pump poison into the rivers, and into the air, and not worry about it, because anybody who would complain at that time would probably have been fired on the spot. For them to take and to spend the type of money that they did attacking those legislators, whether we agreed with them or disagreed with them, on the particular prospectives that's being presented, to do this type of activity that they have done in their open letter, the Senator from Kennebec, Senator Kany, along with the Representative who serves on that Committee, and her ability today on issue after issue that has come out of that Committee, to concentrate on what's the right thing to do, what is the best thing for this state, that is something that she needs to be applauded for, and I want to give her my strongest endorsement and support for her behavior here today. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator KANY of Kennebec to RECEDE and CONCUR.

A vote of Yes will be in favor of the motion to RECEDE and CONCUR.

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 COLLINS, DILLENBACK, EMERSON, ERWIN, GOULD, KANY, LUDWIG, PEARSON, WEYMOUTH

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, HOBBS, HOLLOWAY, MATTHEWS, PRAY, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WHITMORE, PRESIDENT PRO TEM - SENATOR NANCY RANDALL CLARK

ABSENT: Senator PERKINS

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator KANY of Kennebec to RECEDE and CONCUR, FAILED.

On motion by Senator PRAY of Penobscot, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator PEARSON: Thank you Madam President. Ladies and Gentlemen of the Senate. The Senator from Penobscot, Senator Pray, in his remarks mentioned some of the events that transpired last night, and appeared in the paper this morning. I would just like to say, because I don't think that I would feel comfortable living with myself, that I found the remarks of the advertisement that was placed in the Kennebec Journal by the Vice President of Scott Paper, reprehensible.

Senator Kany and I do not always agree on all issues, we do more often than not, but even if I didn't, even if I were a member of another political

party, even if it were any member of the Senate, I would find that kind of tactic reprehensible.

She is in my estimation, one of the finest Senators that I have ever had the pleasure to serve with, one of the finest legislators I have ever had to serve with. And I must say that with regard to the Representative from Waterville, Representative Jacques, it is an honor to know him and have him for a friend. They both have the interests of the State of Maine in their hearts, deep, deep, in their hearts. They come from the same town, and I think that community is lucky to have them.

I believe with all my heart that the Vice President of Scott Paper Company must not be from Maine, because Maine people do not have those kinds of values and say those kinds of things. And if that were to happen to me, or to my friend and colleague, Representative Cashman, I believe in my city of Old Town it would be like attacking the home town basketball team, and probably the gentleman from Scott Paper has done the single greatest favor for Senator Kany in her re-election attempt.

Senator DUTREMBLE of York was granted unanimous consent to address the Senate on the Record.

Senator DUTREMBLE: Thank you Madam President. Ladies and Gentlemen of the Senate. One of the things that I pride myself in life, and I am sure everyone else prides themselves, is the fact that they belong to this Body. I find this Body to be a very honorable place, and I think we do honorable work here. Whether you are a Democrat, or Republican, or an Independent, the young or old, man or woman, I think that everybody that works in this Body does the job, and they do it the best that they can.

We know the process here, we have Bills that come in, we bring them to Committee, we debate it, we argue it, we lobby it, we work it, we push it, we pull it, and then we bring it up here, and then we vote on it. And when you win an issue, you win it. And when you lose an issue, you lose it. But after it is all done, we can all walk out of this place and always look each other right in the eye. I can't think of any time that anybody could not walk out of this place and not look each other in the eye and say look, I may have lost this or won this, but by golly, we have given it the best shot that we could. And that is what this place is all about.

Last night, from my comments on another issue here, I said that we respect the paper companies in this state. Unfortunately, when I came in this morning, one of them gave us reason right away to doubt that. How can you respect a company, a multi-million dollar company...multi-million dollar company, who was after two legislators for a stand that they took on an issue, that they have worked hours and hours on, simply because it went against their grain.

You know, one of my favorite movies that I have ever seen on TV is Mr. Smith goes to Washington. It sort of applies to us to some degree. One of the parts of that movie that is really apparent to all of us, was the Taylor Machine, and how when they didn't see things going the way that they wanted to, that they used their money and their power to try to reach into the Senate. I thought it was a great part. And that is the sort of thing that we don't want here.

What we saw in this article here, and this newspaper ad, to me, borders on illegal coercion, undo influence. And it's not the first time that we have had problems with that particular company. Go back six or eight years, and some of you will

remember something else that happened. At that time I thought they had learned a lesson on how government is supposed to operate properly. These statements have to be made on the record. You can't allow multi-million dollar corporations to try to unduly influence this legislature because of things that they don't seem to think are going there way. If they want to lobby it, that's the process. If they want to argue it, that's the process. At some point they go too far, and this is one of those points.

My understanding is that they say this article costs twelve or thirteen hundred dollars, and they are complaining about money. I don't know how many of you spend twelve or thirteen hundred dollars in your political ads, I certainly don't, for one. We're talking about money being used to influence something, and then go after two particular persons. I have a real problem with that, and I hope you do, too.

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

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

Senate called to Order by the President.

Senator MATTHEWS of Kennebec requested unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today also, to echo the remarks of the previous speakers, in regards to what I call an unfortunate expression of opinion. Although I would preface that statement by saying that that is part of a free system, and we live in a system that cherishes free speech, and that goes to all sides of our society, industry as well as the individual.

But, I must also rise to say, that even though my good colleague and friend from the other side of the Kennebec, Senator Kany and I sometimes disagree, and we disagree on this issue, I consider her to be a good friend, a hard working Senator. No one, no one that has any remote understanding of the Maine Legislature would dispute her sincerity and her hard work, and that she expresses her viewpoint, and expresses the concerns of her citizens very well. The other good friend of mine, Representative Paul Jacques of the other Body, is also a very good friend of mine, and a hard worker and a conscientious legislator. Differences of opinion arise in representative government, and that is what we are here to do, express our viewpoints.

Over the last few days, I think we have heard a lot of old cliches and old rumors come out of the closet about big business and the paper industry. I guess I wasn't down here during those days. I am a student of Maine history, I am quite aware there were some things done wrong, but I don't try to live in the past, I try to live for today and tomorrow. I don't condone the mistakes that were made by the paper companies of the past, but I think the companies today are different, and I think they have the right to express their viewpoint on issues. But I would have chose a different method than the one expressed in the paper today.

We are going to discuss that issue, differ on that issue, shake hands and be proud of our differences. Be proud of what we have in this country, the right to express those differences. But

I appreciate the efforts of the Chairwoman of the Energy and Natural Resources Committee. She works hard, she is a good friend, I don't always agree with her, but she knows that, and my constituents know that, and her constituents know that, but that is part of the process. I wanted to express my strong support for her efforts and for the other individual. Thank you.

Senator WEBSTER of Franklin requested unanimous consent to address the Senate on the Record.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Several years ago, I served in the House when we had an important issue dealing with the Dairy Industry, and it dealt with the milk pool, or something concerning that issue, I don't remember exactly what it did, but I do remember how offended I was, and how offended members of this legislature were when Cumberland Farms took out a full page ad attacking the people who differed with them on the various issues.

Although I don't necessarily agree with that tactic, I don't think it should be done, obviously, they have a right to do that, and they can if they want to. I think it is fair to say that Cumberland Farms has a difficult time here in legislature now because a lot of us don't forget that. And somebody made a decision somewhere that they wanted to do this, and that is the right that they have, but it makes it difficult for legislators who have long memories to condon that type of action. It is going to be a lot more difficult for certain people to talk, and to be listened to here when they make a decision like they made regarding the recent letter that came out in the newspaper.

I have never forgotten, and will never forget what happened to me when I was attacked by Cumberland Farms in the newspaper. I didn't like it, and I am sure the good Senator from Kennebec, Senator Kany, although I don't agree with her on this particular issue, I am sure she will never forget what happened to her today in the newspaper. Speaking today as the Minority Leader in the Senate, I can assure you that this is not something we were part of or would agree with.

Senator CLARK of Cumberland requested unanimous consent to address the Senate on the Record.

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am pleased to stand and join my colleagues, in particular, the good Senator from Franklin, Senator Webster, the Minority Leader of this Chamber, in contributing to the remarks referencing the appearance in today's paper of a full-page ad, which personally attacks the integrity and the persons of two colleagues with whom we all serve.

I do not deny the first amendment rights of a corporate citizen of this state to access Maine's newspapers to promote their position, but I do find particularly distasteful as the Majority Leader of the Democratic Party in this Maine Senate, and as an individual Senator from Senate District 26, the personal attack on members of this 114th legislature. I find it as equally distasteful, as I did the public paper industry information offices, PIIO, is the abbreviation I believe, that we use to refer to that. With reference to earlier malignments on these same and or similar issues.

Every individual interest group and business does have a right to express an opinion on any issue before the Maine Legislature, for there is no more

public body in the entire state. Today's advertisement, paid for by Maine's Corporate Citizen, Scott Paper Company, does not, however, represent a thoughtful position on the so-called Rivers Bill, using another short cut, for I can summarize my assessment of it as follows: It is a shameful, personal attack on two members of the Legislature, who have earned respect, who are recognized for their hard work, who are not lacking in controversy, but who are admired by their colleagues with whom they serve. It is a clear attempt to degrade and demean the entire legislative process. It is still another attempt on behalf of Maine's business and industry to, in fact, strong arm the Maine Legislature. And despite the ability of Maine's corporate citizens to afford these high priced public advertisements, the Maine Legislature is not for sale, and the citizens of this state do not describe to these tactics. The Maine Legislature steadily has attempted to exclude from our process, and the political process, negative tactics which reflect less than positively on the procedure and on campaign practices.

With reference to the ad itself, there are two points that I think are immediately apparent after reviewing the Scott Paper Advertisement. First, it's particularly interesting that the word "river" never appears in the entire letter. It's obvious even to me, that Scott Paper knows that the vast majority of Maine people want their rivers to be clean again, and that we have been working toward this end, again slowly and steadily, and with much success, and with reinforcement of the citizens of the state. The Scott advertisement in today's paper, is carefully designed to prevent readers from understanding that the company is waging an attack on the primary sponsors on this popular rivers clean up Bill, perhaps not so popular with the industry, but popular with the people who elect us to serve in these Chambers.

Ironically, and perhaps not even coincidentally, the ad makes no reference to our Governor, the Governor of our state who with great fanfare, but with apparently with very little results, had signed onto a rivers clean-up issue and Bill of his own. That piece of legislation and it's tenants being incorporated into the Bill that has been before us in a number of different shapes and forms, and continues to rest before us.

Frankly, as the Majority Leader of this Maine Senate, and as an individual public official from my Senate District, I think that it's important that Scott Paper Company be disciplined by the industry it serves, and that that industry condemn these actions as offensive, repugnant, unnecessary, and hopefully, not reflective of the Majority Membership of that industry on which Maine's economy in large measure depends.

We can continue, Members of this Senate, to work together to effect legislation which is in the public interest and that public interest also includes the interest of Maine's corporate citizens. But for the life of me, I have yet to understand while representing Maine's business and industry, the members who lobby here in this State House aren't as concerned about Maine's environment as the customers, and consumers, and citizens of this state, and that they would stoop, frankly, to such despicable levels as evidenced in today's paper. Thank you Mr. President.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to echo most of the remarks that have been made previously, and would like to read a poem that I did last year, I think is very appropriate, and I would like to read this to all of my colleagues, in both the House of Representatives, the other Body, and the State Senate, because I think it is particularly appropriate at this time of our legislative deliberations. It is by Maltbie Davenport Babcock and it is entitled "Be Strong":

Be strong!  
 We are not here to play, to dream, to drift;  
 We have hard work to do, and load to life;  
 Shun not the struggle---face it; 'tis God's gift.  
 Be strong!  
 Say not, "The days are evil. Who's to blame?"  
 And fold the hands and acquiesce---oh shame!  
 stand up, speak out, and bravely, in God's name.  
 Be strong!  
 It matters not how deep entrenched the wrong,  
 How hard the battle goes, the day how long;  
 Faint not---fight on! Tomorrow comes the song.

Senator BALDACCI of Penobscot requested unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. When I was first elected to the legislature eight years ago, time flies, I had a little run in before I was actually doing my duties as a State Senator, where an individual who worked for a corporation approached me, and tried to give me a contribution to take care of my campaign, after my election, and after I had been appointed as Chairman of the Public Utilities Committee. Because this particular company had dealt with the Public Utilities Commission, I felt that it was putting me in a very bad position, and that time, I remember having the advice of the good Senator from Kennebec, Senator Kany, who had instructed me at that time, that maybe I should take this to the Commission on Ethics, and I did at that time because I felt very uncomfortable about the proposal that had been made to me, and I felt that I could not be a part of it.

We are not perfect, and nobody is lily white, but when you see these things, you try not to do things that are not in the public interest. Even when it's issues that are affecting the restaurant industry, I try to do what is in the public interest. Whether it is the 5% additional sales tax on drinking in restaurants, because it's helping people get insurance that can't get insurance, you have to do the public policy thing. But when this particular company's representative approached me, to me it just very bad, and upon realizing that the company in question today is the same company that approached me eight years ago, I feel that maybe times have not changed.

I appreciate the comments that have been made by others of the Body, but I would just like to say to the good Senator from Kennebec, as far as the good Senator from Penobscot, Senator Baldacci is concerned, I think it is deplorable, I think that if the company continues to do this type of thing, they are not only going to get one black eye, but they are going to get another one from me.

On motion by Senator KANY of Kennebec, RECESSED until 3:00 in the afternoon.

After Recess  
 Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 COMMITTEE ON EDUCATION  
 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 Education has had under consideration the nomination of Michael W. Aube of Bangor, for appointment to the State Board of Education.

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 Michael W. Aube of Bangor, for appointment to the State Board of Education be confirmed.

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Michael W. Aube of Bangor 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 PEARSON, THE PRESIDENT - CHARLES P. PRAY
NAYS:	Senators BALDACCI, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE
ABSENT:	Senators ANDREWS, BERUBE, GAUVREAU, PERKINS

2 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 4 Senators being absent, and 2 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 Michael W. Aube, was CONFIRMED.

The Secretary has so informed the Speaker of the House.



The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

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 Education has had under consideration the nomination of David T. Flanagan of Freeport, for reappointment to the University of Maine 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 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 David T. Flanagan of Freeport, for reappointment to the University of Maine 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: The Joint Standing Committee on Education has recommended the nomination of David T. Flanagan of Freeport 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 BALDACCI, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BERUBE, PERKINS

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 David T. Flanagan, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

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 Education has had under consideration the nomination of Nancy Masterton of Cape Elizabeth, for appointment to the University of Maine 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 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 Nancy Masterton of Cape Elizabeth, for appointment to the University of Maine 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: The Joint Standing Committee on Education has recommended the nomination of Nancy Masterton of Cape Elizabeth 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 BALDACCI, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BERUBE, PERKINS, WEBSTER

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Nancy Masterton, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:



ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

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 Education has had under consideration the nomination of Robert A. Moore of Falmouth, for appointment to the Maine Maritime Academy 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	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 Robert A. Moore of Falmouth, for appointment to the Maine Maritime Academy 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.

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

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

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 Education has had under consideration the nomination of Cheryl A. Tobias of Augusta, for appointment as the Student Trustee, University of Maine 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	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 Cheryl A. Tobias of Augusta, for appointment as the Student Trustee, University of Maine 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: The Joint Standing Committee on

Education has recommended the nomination of Cheryl A. Tobias of Augusta 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 BALDACCI, BOST, BRANNIGAN, BROWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BERUBE, PERKINS

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Cheryl A. Tobias, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

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 Education has had under consideration the nomination of Owen Wells of Falmouth, for appointment to the University of Maine 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	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 Owen Wells of Falmouth, for appointment to the University of Maine 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: The Joint Standing Committee on Education has recommended the nomination of Owen Wells of Falmouth 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 BALDACCI, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BERUBE, PERKINS

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Owen Wells, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

On motion by Senator BOST of Penobscot, 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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ANDREWS for the Committee on TAXATION on Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 868 L.D. 2228

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-668).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-668) 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.

Senator EMERSON for the Committee on TAXATION on Resolve, to Establish a Select Committee on Comprehensive Tax Reform (Emergency)

S.P. 999 L.D. 2466

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-667).

Which Report was READ.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we do the first reader on this Bill, L.D. 2466, as Amended by the

Taxation Committee, I would like to make a few comments about it, because this Bill has been rather quietly winding it's way through the process over the last week and a half.

This Bill calls for the establishment of Select Committee on Comprehensive Tax Reform. Not just because I am the sponsor of the Bill, and have worked hard on this for the last couple of weeks, but I think it may offer a hope, maybe some salvation for the next Legislature, and future budgets for the State of Maine.

It's rather remarkable that in ten months our fiscal situation has gone haywire. If you remember that a year ago we were looking at a proposed spending of \$500 million dollars, a 25% increase over the previous biennium, and the reality struck us hard at the end of session. We ended up coming up with \$60 million dollars with cuts, and the study of this fall, by Peat Marwick, showed that the predicted revenue situation was even worse, and two months ago we were faced with the reality of \$210 million more that had to be either cut, or new revenues found. We have had only two months to consider the import.

What we are doing as the Appropriations Committee is working so hard in trying to put together a balanced budget, is effectively deferring more than \$50 million dollars to next year. We are passing on \$70 million dollars back to the property tax payers. We are looking at some very questionable revenue sources in Lotto America and tax amnesty. I think the current budget shortfall makes it imperative that something constructive be done about the revenue side of the picture. I feel that the welfare of Maine's citizens is in jeopardy, and that the basing of state revenues on rosy projections may only worsen the crisis and defer the day of reckoning for us next year.

What this Bill does, it proposes that a comprehensive study take place in order to provide the legislature next year with a blue print to look at, with options that would possible remedy the situation that we would be facing. I believe that this is a very responsible approach, I believe it is a very important study that has to be done, that must be done. To do nothing between now and next January would be operating in a void, would be irresponsible on our part, especially if we are just hoping that a nickel dime, or a hit or miss approach is going to do the trick. I urge you to support this measure. Thank you..

Which Report was ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-667) 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

The Committee on TAXATION on Bill "An Act to Provide an Income Tax Credit for the Use of Recycled Wood Waste as Fuel"

H.P. 1785 L.D. 2455

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1091).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1091).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-1091) 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, sent forthwith to the Engrossing Department.

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

COMMITTEE REPORTS  
House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation" H.P. 1731 L.D. 2390

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1093).

Signed:

Senators:

ANDREWS of Cumberland  
BALDACCI of Penobscot  
EMERSON of Penobscot

Representatives:

CASHMAN of Old Town  
SWAZEY of Bucksport  
NADEAU of Saco  
DORE of Auburn  
TARDY of Palmyra  
DIPIETRO of South Portland  
SEAVEY of Kennebunkport  
WHITCOMB of Waldo

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

Signed:

Representative:

DUFFY of Bangor

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-1093).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1093) 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

JOINT RESOLUTION -Petitioning the Congress of the United States to Propose an Amendment to the Federal Constitution to Limit the Terms of Members of Congress H.P. 1790

In House, April 5, 1990, READ and ADOPTED.

In Senate, April 6, 1990, READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1819

JOINT RESOLUTION COMMEMORATING  
THE 125TH ANNIVERSARY OF THE

BATH MILITARY AND NAVAL CHILDREN'S HOME

WHEREAS, the care and education of children is a primary responsibility of all civilized societies; and WHEREAS, in fulfillment of that responsibility the Bath Military and Naval Orphan Asylum was founded in 1866 by the Bath Soldiers' Orphans' Home Association, was incorporated by Private and Special Laws 1866, Chapter 163, and was formally opened on November 19, 1866; and

WHEREAS, the Bath Military and Naval Children's Home, which is being renamed the Bath Children's Home, will celebrate the occasion of its one hundred and twenty-fifth anniversary this August; and

WHEREAS, the Home has been an honored institution of the State since 1870, and since that time has enjoyed the special confidence of the Legislature in fulfillment of its vital duties; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the one hundred and twenty-fifth anniversary of the Bath Military and Naval Children's Home, and to commend the residents, alumni and officials of this institution for the success which they have achieved over the past one hundred and twenty-five years, and to extend to each our sincere hopes and best wishes for continued achievement by the Home in the 21st century; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Director and Board of Visitors of this proud institution in honor of the occasion.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

April 6, 1990

Honorable Joy J. O'Brien

Secretary of the Senate

114th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby the Majority "Ought Not to Pass" Report of the Committee on Human Resources was read and accepted on Bill "An Act Regarding the Administration of the Maine Children's Trust Fund" (S.P. 957) (L.D. 2421).

Sincerely,  
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

HOUSE REPORTS - from 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  
(C "B" H-1070)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1069).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-1070).

In House, April 5, 1990, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069).

In Senate, April 6, 1990, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1070) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1070) in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

On motion by Senator KANY of Kennebec, 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

Bill "An Act Concerning the Use of Live Animals in Games"

H.P. 1781 L.D. 2450

Which was READ A SECOND TIME.

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

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Ensure Continuity of Health Insurance Coverage"

H.P. 1641 L.D. 2274

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

Pending - ADOPTION of Committee Amendment "A" (H-1090), in concurrence

(In Senate, April 6, 1990, Committee Amendment "A" (H-1090) READ.)

(In House, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090).)

On motion by Senator THERIAULT of Aroostook, Tabled Until Later in Today's Session, pending the ADOPTION of Committee Amendment "A" (H-1090).

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards"

H.P. 1418 L.D. 1970

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

Pending - ADOPTION of Committee Amendment "B" (H-1068) in NON-CONCURRENCE

(In House, April 5, 1990, 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).)

(In Senate, April 5, 1990, Reports READ. ACCEPTANCE of Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067) FAILED. Report B, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068) ACCEPTED in NON-CONCURRENCE. Committee Amendment "B" (H-1068) READ. On Motion of Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) READ. Subsequently withdrawn.)

On motion by Senator PEARSON of Penobscot, Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Amendment I am offering is designed to try to achieve some kind of a compromise between the different positions, and at the same time achieving some genuine reductions of odor, color and foam in the rivers of the state.

Essentially, the Amendment offers some more realistic approach, I think, to deal with color for those situations in which the actual impact of a mill on water color is negligible, which would fit the circumstances that I find myself in my area. The Amendment preserves, however, the standards to achieve real color reductions that those Bills that have major impacts on color, odor and foam pollution.

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

Senator WHITMORE: Thank you Mr. President. I would like to pose a question through the Chair. I would like to know the economic impact as I view the Amendment, in relationship to what the Senate voted on last night and approved. It would seem to me that this has a more significant impact financially, and over and above the financial aspect, I guess, it would seem to me even more severe than Committee Report "A", which last night was discussed prior to the Adoption of Committee Report "B". Is there someone that could address that situation?

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I request a Division. The pending Report we Adopted last night, it seems to me, offers some compromise. I guess I would ask the question of anyone in the Chamber supporting this Amendment, how does this particular Amendment offer any compromise to those industries in not only the good Senator from Penobscot, Senator Pearson's District, but, around the state, others that are adversely affected by the economics of the measure. I would have a hard time supporting the particular Amendment that has been proposed and would offer that the position that we accepted last night as the compromise.

Senator MATTHEWS of Kennebec requested a Division.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer questions that have been asked, first of all what we accepted last night is really almost nothing, and in my opinion, pretty much a worthless expenditure of money. I believe, as I am sure all Maine people do,

that if you are spending a dollar, you want something for that. You want an improvement in water quality in this instance.

This Amendment being offered as a compromise by the good Senator from Penobscot, Senator Pearson, is between the two Reports that were offered last evening. It is closer to the Majority Report, but it is more lenient, and it also treats all discharges, all discharges, and all rivers equally. What it does, it gives the 20/40 as one standard that could be met, and that is the 20 or 40 color polluted units that would be allowed in addition to the previous color on any river, and that's what was adopted by this Body last year, I would like to remind you. But, in addition, it offers an alternative, so it is really more lenient than what this Body passed last year. It offers the alternative of meeting a standard of pounds per ton, and that would be the 225 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis.

So it is something that would do something, it would help clean up our rivers and improve the water quality. It definitely would accomplish a lot, and it is a compromise and a change.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to address a question to anyone who might answer. I am not an expert on this issue, but it seems to me that this is a wonderful issue, a wonderful position to vote for if you live in Old Town, and want to exempt your paper company from complying to the law. It seems to me this is what this does. It basically says, okay guys, those of you who live outside of my area of the state, you have got to meet these tough standards, but I happen to want to protect my little area of the state. It is like divide and conquer, guys, this is an embarrassment to me, this whole Amendment. I would like to have someone answer this question, doesn't this basically exempt certain paper companies in the state, in northern Penobscot County from having to meet this Law?

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Lincoln Pulp and Paper discharges none at all in the northern Penobscot, the James River Corporation discharges little or nothing, and it occurred to us that lived in the area, fault us if you want, that if you asked them to spend several million dollars on something that was not going to do hardly anything, and not hardly discernible by the human eye, than it was better not to ask them to do anything. And yes, of course, I represent northern Penobscot County.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Now we clearly know what this Amendment does. We debated yesterday for hours about how we were all concerned about cleaning up the rivers, 30 out of 35 or 33 voted for Committee Amendment "B", in a recorded vote that said we want to clean up the rivers, this is the approach we want to go.

Now we are entertaining an Amendment which is going to allow certain areas of the state not to comply with the law. That is what this Amendment appears to do to me, and it is interesting that the good Senator from Penobscot, Senator Pearson, says that this money that the paper company where he lives is going to have to pay, isn't going to do anything,

because I believe the good Senator from Aroostook, Senator Ludwig, said last night that there was no guarantee that any of the money that any of these people spent was going to do anything. It was an argument she gave that no one seemed to listen to, but we're expected today to support this Amendment because a certain area of the state doesn't want to meet these tough new standards. It seems to me if we are going to have a law on the books to require paper companies to clean up the rivers, that every paper company ought to pay, not just the ones that don't have political influence down here.

The President requested that the Assistant 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.

Senate called to Order by the President Pro Tem.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I must respond to the comments by the good Senator from Franklin, Senator Webster, because he simply did not read the Amendment, because if he had, he would understand that all discharges are treated equally. All of them. It does not exempt anybody from meeting a standard under the law..I wanted to pause to make sure that that was understood. Everyone is treated equally, every single discharger.

Now, there are two ways of complying, and which ever is easiest for the discharger is what they can do. Some may have to spend some money in order to meet the standard, and others may not. But absolutely no one is exempted, no discharger is exempted from this Bill and from the Amendment.

It is a good compromise, and I urge the Senate to go along with this, and to make a contribution to cleaning up the rivers. We do ask people who litter to pick up their litter. I know of a good Bill sailing through Legislature this year, to have even tougher penalties on people who litter, and those who foul their nest should really begin the clean up, and we are not asking for complete clean up, but only partial. And please go along with this.

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

Senator WHITMORE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I earlier asked a question, which was in two parts. The first part was, what is the economic impact of this Bill versus the "B" version or the "A" version that we were discussing last night. And that question was not answered, and I truly think that this has a lot to do with the final answer. If anyone can answer that question, I would like the answer.

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Whitmore has posed a question to anyone who wishes to answer. The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I will respond, instead of going through all the dollar figures as we did last evening, I will instead say, that there may be positive economic impact from cleaning up the rivers.

Certainly, in the Auburn and Lewiston area, many of the businesses have really requested that we clean up the rivers so that they can begin to have restaurants and other things along the river, so that

people can enjoy in the quality of life and recreational pursuits. Obviously, cleaner rivers will bring better fish, perhaps fish that can be eaten. It could be both the recreational or commercial fisheries, once again.

So there are many economic benefits, really, from cleaning up the rivers in addition to costs for paying for the change in the process to clean up.

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

Senator WHITMORE: Thank you Mr. President. Ladies and Gentlemen of the Senate. Back to the same question, I guess I had better rephrase the question differently. Would someone please give to me the cost data. Last night when we were talking about the cost data for Committee Report "B", it came out to 54.1 million. Had we adopted Committee Report "A", it would have been several million dollars more. What I want to know is, what is the dollar cost of the offered Amendment?

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Whitmore, has posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Committee Amendment "A", last evening the DEP suggested it would be a 54.1 million dollar cost, and the PIIO had suggested that it could be a 207 million dollar cost. That was for Committee Amendment "A".

Now, the Committee Amendment that we Adopted, I hadn't seen any figures because to be perfectly honest, so little would be done, there probably wouldn't be any cost, nor would there be any economic benefits. So that is basically the story.

There would be a little less spent than the figures that I gave to you for Committee "A", because there is a little bit less stringent standard offered in this Amendment.

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

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to address this issue one more time, because I think I may have appeared flip when I talked last time, and I don't want to be that way.

The difference between what would you do in one river and another is often the difference of how heavily polluted it is, and what kind of ingredients that a Bill puts in it. I happen to live on a river where it is not yet much of a problem, although there are some elements there, but it is not as much as a problem as I have heard from my friends along the Androscoggin River and the St. Croix. So consequently, it will cost, obviously, some mills more than it will others. Some of them are almost negligible now, and some of them are absolutely at zero, and the ones that are absolutely at zero cost nothing, and the negligible will cost next to nothing.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I disagree with this Amendment for a couple of reasons.

Number one, this brings us full circle back to the issue of last spring, in which many of us, including this Governor had some real strong differences. This particular Amendment doesn't distinguish at all between the size of the rivers, the volume of flow, the amount of affluent discharge

in the river, and that is very unfair. It sets up an arbitrary standard, one which we have debated and has serious kinds of concerns for the state.

The other concern that I have with this Amendment, is that it sets up the very standard of 225 parts per ton that we debated last night. That is a serious economic impact with the area that I represent. I don't see this particular measure being a compromise, and I certainly don't see this measure doing anything if we are serious. As mentioned by the good Senator from Kennebec, Senator Kany, if we are after dioxin, than how is that we allow this Amendment to now come forward and basically allow certain mills to discharge more parts per ton into the rivers because of their size?

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again, to explain, there is an alternative means of complying with the law. We are trying to talk about the effect upon the waters, and you are either allowed to discharge so many color polluted units, in this Amendment, 24/40 as we voted last year, but in addition, we are allowed an alternative to meet your compliance of going with the per ton route instead. So you are offered more options, an additional option to comply with the law to try to improve water quality. I would just like to mention one thing, that the basic issue before us is, should one or two users of our major rivers be allowed to continue to take the value of those rivers from every other user?

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I now understand the choices that the good Senator from Kennebec is eluding to, and I understand what the alternative is. The alternative is from my area and the mills that I have in my District, 50 to 200 million dollars.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Again I rise to talk about this issue, an issue I am not an expert on, but it interests me to listen to the Senator from Kennebec, Senator Kany, explain this measure and all the options it gives everybody.

I like to say things in black and white, simple and clear. This is the bail out James River Paper Company Amendment. To heck with the rest of the state, let them dump this pollution into the rivers up there because, to quote the Senator from Penobscot, Senator Pearson, "It's not really polluted up there that bad", to quote him exactly, so it is okay to let them pollute it more than anybody else, anywhere else in the state is going to do. And that is what this Amendment does, and I don't like the idea that we are passing a Law, and now amending it just to help somebody somewhere. If we are going to have a law that is going to clean up all the rivers, than all the rivers ought to clean up and everybody ought to pay.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to ADOPT Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068).

A vote of Yes will be in favor of the motion to ADOPT Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator COLLINS of Aroostook who would have voted YEA requested and received Leave of the Senate to

pair his vote with Senator PERKINS of Hancock who would have voted NAY.

Senator THERIAULT of Aroostook who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator BERUBE of Androscoggin who would have voted YEA.

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

ROLL CALL

YEAS: Senators BALDACCI, BRANNIGAN, CLARK, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, PEARSON, TITCOMB, TWITCHELL

NAYS: Senators BOST, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, PRAY, RANDALL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT PRO TEM - DENNIS L. DUTREMBLE

PAIRED: Senators BERUBE, COLLINS, PERKINS, THERIAULT

ABSENT: Senator ANDREWS

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

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

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators having paired their votes and 1 Senator being absent, the motion of Senator PEARSON of Penobscot, to ADOPT Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) FAILED.

Senator PRAY of Penobscot moved that the Senate RECONSIDER whereby the ADOPTION of Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) FAILED.

On motion by Senator CLARK of Cumberland, Tabled Until Later in Today's Session, pending the motion of Senator PRAY of Penobscot to RECONSIDER whereby the ADOPTION of Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) FAILED.

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

ENACTORS

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

An Act to Improve Oversight of the Financial Condition of Insurers

S.P. 884 L.D. 2253  
(C "A" S-635)

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

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

H.P. 1336 L.D. 1853  
(H "A" H-1037 to C "A" H-986)

On motion by Senator PEARSON of Penobscot, placed on the Special Appropriations Table, pending ENACTMENT.

An Act Relating to Correctional Policy

H.P. 1814 L.D. 2486

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

Emergency

An Act Concerning the Authority of the Public Utilities Commission to Order Competitive Bidding  
S.P. 972 L.D. 2438  
(C "A" S-631)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Amend the Charter of the Quantabocook Water District

H.P. 1802 L.D. 2473

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Related to the State Board of Substance Abuse Counselors

S.P. 699 L.D. 1837  
(H "C" H-1039 to C "A" S-483; S "A" S-506)

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

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

ENACTORS

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

Emergency Resolve

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

H.P. 1752 L.D. 2415  
(H "A" H-1034 to C "A" H-956; H "A" H-970)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1990

H.P. 1817 L.D. 2489

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1990

H.P. 1816 L.D. 2488

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

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

ENACTORS

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1990

H.P. 1815 L.D. 2487

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

Emergency Resolve

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

H.P. 1810 L.D. 2481

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

H.P. 1805 L.D. 2476

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

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

ENACTORS

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

Emergency Resolve

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

H.P. 1809 L.D. 2480

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President Pro Tem, 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:

An Act to Regulate the Handling of Manure

H.P. 1575 L.D. 2182

(H "A" H-946 to S "A"

S-565; H "A" H-1033; S

"A" S-599 to C "A"

H-910)

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

H.P. 1588 L.D. 2200

(H "A" H-1031 to C "A"

H-1006)

An Act to Amend the Laws Concerning the Theft of Blueberries

H.P. 1757 L.D. 2434

(H "A" H-1038; C "A"

H-967)

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

An Act to Adjust Commercial Motor Vehicle Fees

H.P. 1379 L.D. 1910

(H "A" H-1036 to C "A"

H-948)

On motion by Senator TWITCHELL of Oxford, placed on the SPECIAL HIGHWAY APPROPRIATIONS TABLE, pending ENACTMENT.

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

(H "A" H-1032 to C "A"

S-592)

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

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



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

Senate called to order by the President.

Off Record Remarks

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:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing

H.P. 1813 L.D. 2485

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

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies"

H.P. 1598 L.D. 2222

Have had the same under consideration and ask leave to report that they are Unable to Agree.

Signed on the part of the House:

Representative TARDY of Palmyra

Representative CONLEY of Portland

Representative MARSANO of Belfast

Signed on the part of the Senate:

Senator THERIAULT of Aroostook

Senator BUSTIN of Kennebec

Senator GOULD of Waldo

Comes from the House with the Conference Report READ and ACCEPTED.

Which Report was READ and ACCEPTED, in concurrence.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information"

S.P. 889 L.D. 2265

Have had the same under consideration and ask leave to report that they are Unable to Agree.

Signed on the part of the House:

Representative HEESCHEN of Wilton

Representative ROLDE of York

Representative MURPHY of Berwick

Signed on the part of the Senate:

Senator GAUVREAU of Androscoggin

Senator TITCOMB of Cumberland

Senator GILL of Cumberland

Comes from the House with the Conference Report READ and ACCEPTED.

Which Report was READ and REJECTED, in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, the Senate INSISTED and ASKED FOR A SECOND COMMITTEE OF CONFERENCE.

Sent down for concurrence.

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

ENACTORS

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

An Act to Allow the Loan of Automobiles to Municipal Law Enforcement Agencies for Educational Purposes

H.P. 1770 L.D. 2440

(C "A" H-1045)

An Act to Clarify the Appointment of County Jail Administrators

H.P. 1728 L.D. 2387

(C "A" H-1078)

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

S.P. 1001 L.D. 2482

An Act Requiring Prior Notification and Restricting Cancellation of Health Coverage for Persons with Organic Brain Disease

H.P. 1633 L.D. 2260

(H "A" H-1084 to C "A" H-1049)

An Act to Provide Uniformity and Fairness after Mortgage Foreclosure

H.P. 1650 L.D. 2283

(C "A" H-1042)

An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides

H.P. 1778 L.D. 2445

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 Amend the Counseling Licensing Laws

S.P. 730 L.D. 1929

(C "A" S-640)

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

An Act to Help Reduce the Incidence of Breast Cancer Mortality in the State and to Revise the Laws Relating to the Mandated Benefits Advisory Commission (Emergency)

S.P. 903 L.D. 2297

(C "A" S-645)

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

An Act to Amend the Maine Criminal Code with Regard to Drugs

H.P. 1803 L.D. 2474

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 Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities

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

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

Emergency

An Act to Exempt Forestry Activities in Forested Wellands from Regulation Under the Natural Resources Protection Laws

H.P. 1628 L.D. 2255  
(C "A" H-1048)

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

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

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:

An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards

H.P. 1418 L.D. 1970  
(S "C" S-669 to C "B" H-1068)

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

Pending - the motion of Senator PRAY of Penobscot to RECONSIDER whereby the ADOPTION of Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) FAILED.

(In House, April 5, 1990, 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).)

(In Senate, April 5, 1990, Reports READ. ACCEPTANCE of Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067) FAILED. Report B, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068) ACCEPTED in NON-CONCURRENCE. Committee Amendment "B" (H-1068) READ. On Motion of Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) READ. Subsequently withdrawn.)

(In Senate, April 6, 1990, On motion by Senator PEARSON of Penobscot Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) READ and FAILED ADOPTION. Senator PRAY of Penobscot moved RECONSIDERATION).

Senator WEBSTER of Franklin requested a Division. On motion by Senator DUTREMBLE of York, 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 PRAY of Penobscot to RECONSIDER whereby the ADOPTION of Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) FAILED.

A vote of Yes will be in favor of RECONSIDERATION.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator THERIAULT of Aroostook who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator BERUBE of Androscoggin who would have voted YEA.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

PAIRED: Senators BERUBE, THERIAULT

ABSENT: Senators ANDREWS, BALDACCI, HOLLOWAY, PERKINS

15 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having paired their votes and 4 Senators being absent, the motion by Senator PRAY of Penobscot, to RECONSIDER whereby the ADOPTION of Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068) FAILED, PREVAILED.

On motion by Senator WEBSTER of Franklin, 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 PEARSON of Penobscot to ADOPT Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068).

A vote of Yes will be in favor of ADOPTION of Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator COLLINS of Aroostook who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator PERKINS of Hancock who would have voted NAY.

Senator THERIAULT of Aroostook who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator BERUBE of Androscoggin who would have voted YEA.

Senate at Ease

Senate called to order by the President.

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

ROLL CALL

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

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

PAIRED: Senators BERUBE, COLLINS, PERKINS, THERIAULT

ABSENT: Senators ANDREWS, HOLLOWAY

16 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, the motion by Senator PEARSON of Penobscot to ADOPT Senate Amendment "C" (S-669) to Committee Amendment "B" (H-1068), PREVAILED.

Committee Amendment "B" (H-1068), as Amended by Senate Amendment "C" (S-669) thereto, ADOPTED in NON-CONCURRENCE.

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

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 Concerning State Education Mandate Waivers

H.P. 1788 L.D. 2457  
(C "A" H-1052)

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

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

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

ENACTORS

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

Emergency Resolve

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

H.P. 1808 L.D. 2479

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

Emergency Resolve

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

H.P. 1806 L.D. 2477

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

presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish Fees for Nonferrous Metal Mining" (Emergency)

H.P. 1753 L.D. 2416

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1065).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1065) AS AMENDED BY HOUSE AMENDMENT "A" (H-1094) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1065) READ.

House Amendment "A" (H-1094) to Committee Amendment "A" (H-1065) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-1065) as Amended by House Amendment "A" (H-1094) thereto, ADOPTED, in concurrence.

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

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

HOUSE PAPERS

Non-concurrent Matter

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

H.P. 1602 L.D. 2214  
(S "A" S-665 to C "A" H-950)

In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950), in concurrence.

In House, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950) AS AMENDED BY HOUSE AMENDMENT "A" (H-1040) thereto.

In Senate, April 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950) AS AMENDED BY SENATE AMENDMENT "A" (S-665) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950) AS AMENDED BY SENATE AMENDMENT "A" (S-665) AND HOUSE AMENDMENT "A" (H-1040) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Maine Environmental Protection Fund Air Emission Fee Schedule" (Emergency)

H.P. 1820 L.D. 2493

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which was INDEFINITELY POSTPONED, in concurrence.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

April 6, 1990

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 3, Section 227, I have reappointed Senator Dennis Dutremble to the Maine Canadian Legislative Advisory Commission. Pursuant to my authority under M.R.S.A. 3, Section 227, I have appointed Annette Courtois of Millinocket to the Maine Canadian Legislative Advisory Commission. Please let me know if you have any questions about these appointments.

Sincerely,

S/Charles P. Pray

President of the Senate

Which was READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

Bill "An Act to Ensure Continuity of Health Insurance Coverage"

H.P. 1641 L.D. 2274

Tabled - April 6, 1990, by Senator THERIAULT of Aroostook.

Pending - ADOPTION of Committee Amendment "A" (H-1090), in concurrence (In Senate, April 6, 1990, Committee Amendment "A" (H-1090) READ.)

(In House, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090).)

On motion by Senator THERIAULT of Aroostook, Tabled Until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-1090).

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

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill, "An Act to Reduce the Use of Toxic Substances in the Workplace and Minimize the Generation of Hazardous Waste"

H.P. 1583 L.D. 2192

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1082).

Minority - Ought Not to Pass.

Tabled - April 6, 1990, by Senator KANY of Kennebec.

Pending - ACCEPTANCE OF EITHER REPORT

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

(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-1082).)

Senator KANY of Kennebec moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

Senator LUDWIG: Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to vote against the pending motion, and for the Minority Ought Not To Pass.

Next to Color and Foam, this was probably the most highly attended Public Hearing Session that we had. In fact, the security people had to be called to clear the aisles in Room 113 because so many people came to speak. Most of them small business men, who were terribly disturbed that the acceptance of this particular Bill would put them all out of business, and certainly cause them endless number of man hours in terms of listing any toxic substances on the premise.

Now we all know that there are many things which are considered toxic in their pure form. Like chlorine, which we need to purify our water supplies. Like table salt, which can be poisonous in large quantities, but, does in part add a lot of flavor to our meals. There are many other substances which are used by many of our small businesses. Perhaps they are solvents used in the manufacture of small items, paints, etc. I had no idea until we had this Hearing how very many different businesses were involved in toxic substances. It was made very clear to us that many of these businesses would be very sorely pressed to exist under the circumstances that this would demand of them, and they felt it was extreme and unnecessary, and that many of the substances that they would be called upon to weigh, measure, and report upon in the future were already covered under existing laws.

I would like to read to you some of the current Toxics Use Regulations, to which all our businesses have to comply now, "To fulfill reporting and training requirements for the use of chemicals, businesses now have to report to some or all of the following:

The Environmental Protection Agency  
The Department of Environmental Protection  
The Maine Emergency Management Association  
The Occupational Safety and Health Agency  
And often to local Emergency Planning Committees as well."

Included in the things that they must report are an inventory of extremely hazardous substances, any accidental releases, material safety data sheets, inventory of toxic chemicals, chemicals released to the environment: Form R, Hazardous Waste Generators Reports, Hazardous Wastes Manifest Reports, Monthly Waste Water Discharge Report, Air Toxics Inventory, Spill Prevention Control and Counter Measures, and a Hazardous Substances Contingency Plan. These are just a few of the things that are already covered, and it seemed to the Minority in the Committee, that this was quite adequate.

Another Bill which was under consideration, would fill in the gaps and be quite adequate to make sure workers in the work place were provided with safety, that there was plenty of information available in the case of a spill, people would be trained to clean up any spills and rectify the situation, and that this particular Bill was just extremely burdensome on the whole small business community. I hope you will vote against the Majority Report, and I ask for a Division.

Senator LUDWIG of Aroostook requested a Division.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I would like to say that many small businesses did especially find the original Bill onerous. But, the Majority Report is not the original Bill, and I would ask you to take out your Amendment which has a filing number of H-1082, this is the Majority Report.

The original Bill called for an entirely new Department to focus on hazardous toxics reduction in the work place, and had a lot of requirements for

businesses that really would have been difficult for them. Our Committee decided that it was going to work very closely with business, to listen very carefully to try to make some progress in this area without having any onerous requirements replaced on businesses.

First of all, I would like to remind you about our integrated Solid Waste Management Law that was enacted last year. The fact that the goals and the priorities of dealing with the Solid Waste Management crisis listed first, "reduction of waste generated at the source including both amount and toxicity of the waste", and last year, when we passed that comprehensive landmark legislation it did not really deal with toxicity.

I would like to remind you that when you reduce the toxicity, you can make disposal that is more inexpensive for business, as well as safer for the environment and the public in general. As an example, if you have sludge, let's say there is a dioxin content in your sludge, and if you could remove that dioxin, you can just land spread the sludge. But with the dioxin in it, obviously, you have to take care of it in a very, very, expensive way. That is just one example. The concept was very important, and the Committee thought even though we had other matters, that this was too important a matter to overlook, and not to try to begin to deal with.

What we did in our analysis was to try to just piggy back upon required MEMA, the Maine Emergency Management Agency reporting, and just ask businesses to write a sentence or two about their plans to reduce the toxics in the work place. That's the use of toxics. There are no goals that are required for them for the use of toxics in the work place, but just to get them to think about it. But as far as the actual hazardous waste or toxic releases to the air and water, there would be some goals stated, and that the businesses would be required to have a plan, but they would not have to share that plan with the state. We would not be intruding upon their privacy and into their business. But just when they are reporting to MEMA anyway, or for the DEP, and other matters having to do with the discarding of hazardous waste, they would just let us know that they do have a plan, and that the only thing, eventually, ever under our Committee Amendment, the Majority Report would have to be directly shared with the state. It would really be a summary, just a little summary of their plan.

We really went out of our way to attempt to in good faith provide something reasonable and yet, attempt to begin to deal with this very important reduction of toxics in the workplace, to help the workers there, and to help the general public and the environment to lessen the toxics in any way that was chosen. So that is what we have done.

In fact, I will say, yesterday we received two, especially nice, personal handwritten letters from businesses, people who were here, who still prefer not having any legislation, but said that they really complimented the Committee on what was done in the Committee Report. I am very proud to be able to stand here today and say that this is something that can make a difference in our lives, and lives of people throughout the state, and it can also help the public and the food chain.

If you are not familiar with MEMA or the SARA Reporting that is required by the Federal Government and the state, I just want you to know that there is a reporting requirement of large users of these toxics, and how much are released to the air, the land, and the water. We have a book from the EPA,

the Environmental Protection Agency, and the 1987 figures for the State of Maine, air omissions, pounds of toxics that are omitted into the air in the State of Maine. 14 million, six hundred and some pounds of listed toxics were released into the air in 1987 by large users. Surface water, pounds of toxics released into our surface waters in 1987, 195 million pounds. By the way, the following year one was removed from the list of toxics, which was a very large discharge into the waters, and that was the sodium sulfate. I just want to make sure I am correct and don't give you any wrong information, and I wanted to point that out. To summarize, that was 195 million pounds of toxics into our surface waters, over 5 million pounds transferred to public sewerage, and on-site land releases of toxics, over 2 million pounds in 1987.

All we are asking for are that these businesses plan. They can keep their information to themselves, we aren't being nosy about it, and the worst that could happen to them would be that they might have to share a summary, and that is only of toxics released to the air, land, and water, or hazardous waste that is discarded. I don't think that is too much to ask, and I hope you go along with the Majority Ought to Pass Report.

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

Senator TITCOMB: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think sometimes when we get into these Bills, they get a little confusing, and one overrides on the other, and there are several points that are extremely important to understand what this Bill does.

The first point is that all businesses that have toxic use reduction, toxics release reduction, or hazardous waste generation reduction requirements to fulfill under this Bill, L.D. 2192, are already regulated by state and federal laws regulating the use or creation of hazardous and toxic substances. They are already regulated now. Any business which is not already regulated by state or federal hazardous and toxic substance laws, will not be regulated in any way by L.D. 2192. All reporting requirements under L.D. 2192 are based on reporting requirements already in place under state law, and the reduction plans under this Bill are for the facilities own use. For in planning, it's very, very simple what this Bill is doing.

I think most Mainers would be shocked to know if they were fully aware of the quantities of toxic chemicals used in the Maine work place, and then released into the environment. I think a lot of Maine people think that all of this is under wraps, and nothing goes out into the environment. Reported releases of hazardous materials and transport of some of these materials to other state facilities, as the good Senator from Penobscot, Senator Kany stated, were almost 220 million pounds in 1987. That is 200 pounds of toxics for every Maine resident in the state. 89% of this volume consists of discharges to surface waters. We draw these figures from already required reporting of our largest industries. I think we can be safe to assume that of those industries that do not have to report, there are many more tons of waste.

There is a saying I have heard among some of the farmers out in my community that says, "When a barn fills with manure, it is time to get rid of the cow". And I certainly not in this case advocate that we sell the cow, but I do think for sake of responsibility, we ought to start monitoring what he is eating, and how much. Toxic reduction works, it saves money, and it is a direction that many

companies on their own are taking right now because it makes good sense.

You may find on your desks a copy of the Kennebec Journal article that I sent to you this morning. In today's paper, Digital Equipment Corporation here in Augusta reported just today, "that it is reducing it's use of ozone depleting chemicals by 70%". There are other companies in various places in the country that have success stories on toxic reduction. The Minnesota Mining and Manufacturing Company has cut it's waste in half and saved nearly \$300 million dollars since launching it's "Pollution Prevention Pays Program" in 1979. Emerson Electric Company in Murphy, North Carolina, implemented a variety of initiatives to reduce toxics, and saves 1.8 million dollars annually. Toxics reduction works. It saves money. And as I said, it is a direction that many companies are taking on their own.

I think one of the other very important things to think about is that toxic reduction saves clean up costs. It saves on the other end of the manufacturing process. It lessens the chance of an accident or a release, and it then eliminates the responsibility that is there to clean that up. The State of Maine has identified 150 toxic dump sights, to say nothing of the undiscovered and unknowns we will have to discover and have to deal with.

By motivating and assisting companies to implement toxic reduction plans, we all win. We can no longer do business as usual. We are at a cross roads. Many responsible industries are seeing that. Digital Equipment, Dupont, and many others are recognizing what road we should be taking. I think that this Bill is a good opportunity to say that at least we recognize what road we should be taking, and let's get in there and assist these companies in knowing what is the right thing to do.

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

Senator LUDWIG: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think the good Senator from Cumberland, Senator Titcomb, has pointed out that a great many businesses are already reducing the toxic substances in their work places, and many assured us that they continue to want to get rid of unnecessary, or enormous, back logs of material. However, there are situations when for the interests of great savings, it doesn't make sense to order a load at a time. If you have on your premises room for storage of things which you are going to use on a daily basis, there are certainly circumstances where people should be allowed to keep those substances near by, and not have to risk running out in case of bad weather or some other happenstance.

It was also pointed out by several of the business men who visited us, that certain things they use in making their products have no substitute at this time. Perhaps they start off being toxic, but in the process of making the product, that toxicity is eliminated as they blend with other substances, and I am no chemist, I certainly can't get into a description of how this comes about. I just know that many things are produced by using odds and ends that meld into a perfectly harmless end product.

So, I can just repeat what I said before in terms of asking that these people who are my constituents and yours, and they came from all over the state in great numbers, and I feel sure you have probably heard from many of them in your own home towns, find this Bill unnecessary, since most toxic substances are already covered by existing state or federal laws, an unnecessary amount of time and paper work required to come through with it, and actually the building of an additional bureaucracy to oversee the

whole business of keeping track of what exists in our state.

So L.D. 2192 requires Maine businesses to develop a costly plan to reduce the use of toxics and report annually on their progress, but they are asking them to meet arbitrary goals. There is no exemption from this requirement, even if reduction in use is not practical. L.D. 2192 requires Maine business to develop a costly plan to reduce release of toxic substances and then report annually on their progress towards meeting additional arbitrary goals.

The Toxics Release Reduction Program, in L.D. 2192, uses 1988-89 for a base year. This unfairly penalizes those companies which substantially reduced their generation of hazardous waste prior to 1988, and there were a great many of them, and are those who have been working on this problem for quite some time, because they are aware of the expense and the trouble that would result if they did have a spill, or have something on the premise that people did not know how to handle in case of an accident.

These are just a few of the many reasons that I would ask you to oppose the Majority Report, and vote against the pending motion. Thank you Mr. President.

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

Senator ERWIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think perhaps sometimes I am in an envied position of some of the male Senators in this Chamber, of being able to serve and sit in on Committee Hearings and Work Sessions between two very beautiful, young, and gracious ladies; Senator Ludwig of Aroostook and Senator Kany of Kennebec. They have both done an excellent job in describing their point of views in what this Bill does and what it contains, their opposition to it, or the reasons why they are for it.

I do have several points that I would like to make. One, is at the Hearing, as I looked out into the crowd, I saw a great number of my friends in the audience that I used to work with that are still working for Boise Cascade. True enough, there were a lot of small business people there, too. But there were a great number that seemed to arrived on the same bus from a number of different destinations, though I can only assume that perhaps the mills must have organized some effort to get the people there. It wasn't necessarily all small businesses. Having worked in the pulp and paper industry for some thirty-two years, I do have a little first hand experience. We do have a number of chemicals, materials that are necessary under the present procedures that they use to handle their chips to convert it into pulp that they can use to bleach it to get the white paper that the market demands.

There are other ways that have been proven to do this besides the present system that we have, but it costs money to do it. To get funds to handle these projects, to get them designed, to get the funds to buy them, to install them, a Bill such as this is going to give the local managers the backing they need when they are talking to the Corporate Board. The Corporate Board is not going to give them anything that they can avoid giving them, that doesn't produce a dollar for every ten cents they spend. Maybe that isn't a right proportion, but they are looking at it from a business angle, and you can't blame them. Fortunately, safety does come into play, but sometimes I think we are beginning to slip by the wayside, because the accident rate in this state is beginning to get alarmingly high, at least it is in my opinion.

I had passed out to you a paper on "Death of a Worker" in a Champion Mill, here in Maine. I wasn't

necessarily pleased to do this, but I wanted to give you an example, it can happen right here at home. I have no idea of how many people that I have worked with that probably have lung problems that have been gassed by chlorine. I don't know how many times I have been gassed myself, but I have my own little warning system. When chlorine hits a wet surface it makes an acid, so when your eyes first start to burn, you know that you had better be getting out of the area.

How are we going to help improve the safety of our work place if we don't constantly work forward trying to reduce the use of these toxics, try to find other ways in which our products can be made just as good. And you can't tell me that we can put a man on the moon and walk around up there, that we can't work together as a team and come up with a much better solution than what we have in this present day. As I said early on, if we don't give something that the managers of our mills in this state can go to their Corporate Board and have the backing, and say we need these funds. This is what we have got to do to get our costs down. We have got to be working towards getting rid of these toxic materials we are using, or reducing them, and that is one of the things that this Bill is striving to do. Thank you.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I thought I had better rise to mention that the good Senator from Aroostook, Senator Ludwig, was correct in her description, but it was of the original L.D. when speaking of the exemptions, and not of the Majority Ought to Pass Report.

The Majority Report, and once again it is H-1082, has exemptions, allows exemptions, in fact, requires them, if there is practicable hazardous waste reduction methods that do not exist. The previously implemented reductions or actions have already resulted in all practicable waste reduction. Steps necessary to reduce hazardous waste or toxic releases would have a significant adverse impact on product quality, or legal or contractual obligations, prohibits steps necessary to reduce hazardous waste generation, and more, they are just required in those instances, and there are all kinds of other specific exemptions. We went way out of our way to be very reasonable and just to allow the thinking in the mind set, to begin to plan on the toxics use reduction.

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

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

Senator DILLENBACK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think the idealism we have here is great. We are going to cure all the problems of the world. But the problem that arises is that our foreign competition doesn't do any of this. Why is this country losing business? Why is the business going out of this country? Why are the foreign companies taking over the business in this country? Because we are putting so many controls, so many limitations on our own businesses that they cannot compete, and I think that you people are going a little bit overboard. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise as a response from the good Senator from Cumberland, Senator Dillenback. I was either the sponsor or co-sponsor of the original Bill to try to control and give

training to the toxic substances being handled by workers in the work place. I know little about the present Bill before us. What I do know that in the very County of Cumberland, in Windham, Maine, at the Maine Correctional Center, there is something happening that happened last night, and is happening again today. Last night you had 18 people go to the hospital because of toxic poisoning. Tonight you have 135 female prisoners that have to be moved from the MCC, because again, we have a leak of toxic substances into their cell block.

Now I don't know if that particular problem is addressed by this particular Bill. What I do know is, that toxic substances affect people adversely. We ought to be very careful what we do with them. I think this Bill goes towards addressing that problem, and I think you should support the motion before you.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wasn't planning to rise on this particular issue at this time. I am going to support the first reading of this Bill so that I have an opportunity to amend it in second reading.

I think it is very important that we separate the beef from the bologna, because I have heard a lot of bologna. The fact of the matter is, that there have been restaurants in Bangor that because of an underground gas line, they have had to evacuate the facility because of possibility of an explosion or leaking into the establishment. There are those things that occurred at Windham last night, and they are under investigation. I have been told that this wasn't just a harmful accident, but there may have been some sabotage involved.

I think it is very erroneous to bring up facts like that in this Body to try to get us to pass legislation regarding toxic releases, toxic waste reduction, and any other type of toxic thing. This is very important legislation, it is very controversial legislation, and it has a tremendous impact. I think we owe it to this issue to debate the facts. I think the issue itself needs that, and that is why I have prepared an amendment to present to the Senate in second reading. Thank you Mr. President.

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

Senator ERWIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have learned in my eight years here to respect the distinguished Senator from Cumberland, Senator Dillenback. In conversations with him, and then hearing him speak at different times, he talks about doing different things...he has, and so I have learned to respect his knowledge. I would like to correct him on what he just said, and suggest maybe he should do a little more research on what the European countries do require and have been requiring.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KANY of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

Senator TWITCHELL of Oxford who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator BERUBE of Androscoggin who would have voted YEA.

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



ROLL CALL

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

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

PAIRED: Senators BERUBE, TWITCHELL

ABSENT: Senators ANDREWS, PERKINS

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 2 Senators being absent, the motion by Senator KANY of Kennebec, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

Which Bill was READ ONCE.

Committee Amendment "A" (H-1082) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-657) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. While I may feel uncomfortable at times talking about energy matters, being a member of the Taxation Committee I have noticed that many of those issues being dealt with are the Energy Committee, so I feel it may be right that as a member of the Taxation Committee, I would get up and speak on energy matters.

But as far as this particular Amendment is concerned, basically, the concern that I have is that the original Majority Report is dealing with three different components; the chemicals going in, the toxic chemical releases within the process itself, and the waste. Both Bills deal with waste reduction over a six or seven year period, because we have an agreement not to go over the 1987 levels. This Amendment deals with the toxic releases in the process. I feel that with the OSHA requirements, with the MEMA requirements, which is Maine Emergency Preparedness, and the SARA Fund, which is the Superfund Reauthorization Act and Requirements, which everybody is now trying to get up to, that this would be a very good first step in trying to control the toxic chemicals in the work place and reducing them over a six year period by 30%.

All companies want to reduce the chemical use and the dependency on chemicals. They are all going in that direction, and I think that the example of Digital is an example of companies doing this sort of thing because it only makes sense to do it. It is good business sense. I don't think we have to use a baby grand piano over their head to thump them into the ground to do it.

We have done a lot of environmental legislation. When we pass it, it sounds terrific. There is no question about it. Solid Waste Legislation sounded terrific, and expanding the Bottle Bill sounded terrific, and closing down the dumps sounded terrific, and it sounded like we were really going to clean up things. Then we go home and we watch and we wait, and we wait, and we wait. I walk into the hardware store and I get nailed with their requirements, their reporting requirements, their reviews, what they have to do, what is toxic, what isn't toxic. I go to Town Hall and they are all upset because there isn't any rules or regulations on

the dumps that were supposed to have rules and regulations to them. Then I go to the hospitals, and the hospitals are upset because they want to burn wastes, and the regulations haven't been drafted yet. The point is that these are great ideas, but when you try to put them into practice, that is where things tend to fall down, because they tend to be over loaded, and they can't deal with all this paper work requirements. Whether it is the companies or the department, and if the Federal Government is requiring reporting, and the State Government is requiring the reporting, and the companies themselves are doing these sort of things on their own, to me I would think that as long as they were reducing the waste to the 1987 level, which we signed the agreement to keep it at that level or below, that would be what our concern would be.

I think that last night when we were debating the Rivers Bill, I heard how great the Department of Environmental Protection was, I heard how great the Commissioner of the Department of Environmental Protection was, how capable he was when there was some spurious comments to the contrary. And I would submit to the members of this Committee and the members of this Chamber, that it is my understanding, and I stand to be corrected, this Amendment is exactly what that highly regarded Commissioner of the Department of Environmental Protection supports. This is exactly what the Commissioner of the Department itself proposes to be done in this particular area. I would like to know what the Committee knows that this highly regarded Commissioner of the Department doesn't know, or the people in the Department don't know. Thank you Mr. President.

Senate at Ease

Senate called to order by the President.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask for a Division and I hope you vote against adoption of the good Senator from Penobscot, Senator Baldacci's Amendment. And I will tell you why.

I believe our Bill, which is the Majority Report, is much better than what the good Senator was offering, and that is because we are offering integrated planning, in which we are also asking the businesses to look at the toxics that are released to the air, and to the land, and to the water, in addition to that which is placarded and sent out of state. I think that is a good enough reason, because it seems kind of simplistic. Perhaps to try to look at the Solid Waste Management System, the whole integrated system, and not deal with that portion which is released to the air and the water of the State of Maine.

Senator KANY of Kennebec requested a Division.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I also oppose this Amendment, but I would like to set something straight on the Record about what is happening at the facility at Windham.

I think that when these kinds of very horrendous, very dangerous situations occur within a prison system, that rumors become very rampant, and that responsible people probably ought not to give voice to those kinds of rumors until proven otherwise. I



believe, in fact, that OSHA was there last night, and to my knowledge, did not find any evidence of sabotage. Now that is not to say that it was or wasn't sabotage. What it is to say that there is a process that we have to investigate that kind of thing, and that we ought not to be saying one thing or the other until such time as the facts are in.

That is why I was very careful to say to you, that I don't know that whether in this particular situation, this Bill would apply to solve that kind of problem, because I just don't know the Bill well enough, and I certainly don't know the facts surrounding the events that happened at the Maine Correctional Center last night or tonight. I don't know that. All I know is, that some people very adversely affected. I think there are about fourteen in the hospital tonight. Last night approximately eighteen. That is a significant number. An entire building has been evacuated. What we think has happened, and I think this does apply to what we are talking about, about toxics, but I don't know how you address the problem. We think a solvent used to cure the cement floor in the new multi-purpose building is releasing those toxics, and that the ventilating system, which is not faulty, is drawing in those fumes into the building next door. That is what we think. The DEP was in there last night, OSHA was in there last night, they gave a clean bill of health to that building to move back into.

Obviously, something else went wrong. We don't know what went wrong. We know that something is wrong there, and it needs to be addressed, and we know that prisoners are not being housed there right now. That is all we know. Thank you.

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

Senator ERWIN: Thank You Mr. President. Ladies and Gentlemen of the Senate. I request a Roll Call, and I request the Senators to please vote against this Amendment.

On motion by Senator ERWIN of Oxford, 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 BALDACCI of Penobscot to ADOPT Senate Amendment "A" (S-657).

A vote of Yes will be in favor of the motion to ADOPT Senate Amendment "A" (S-657).

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, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

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

ABSENT: Senators ANDREWS, BERUBE, PERKINS

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator BALDACCI of Penobscot, to ADOPT Senate Amendment "A" (S-657), FAILED.

At the request of Senator BALDACCI of Penobscot, a Division was had. 16 Senators having voted in the affirmative and 16 Senator having voted in the negative, PASSAGE TO BE ENGROSSED, as Amended, FAILED in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Ensure Continuity of Health Insurance Coverage"

H.P. 1641 L.D. 2274

Tabled - April 6, 1990, by Senator THERIAULT of Aroostook.

Pending - ADOPTION of Committee Amendment "A" (H-1090), in concurrence

(In Senate, April 6, 1990, Committee Amendment "A" (H-1090) READ.)

(In House, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090).)

On motion of Senator THERIAULT of Aroostook, Senate Amendment "B" (S-675) to Committee Amendment "A" (H-1090) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am quite sure that over the week you have received many inquiries about the basic Bill, and I want to tell you that this Amendment removes all of the opposition to the Bill that you might have heard during the week, and if you don't believe me, just look at all the smiling faces in the back of the room. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-675) to Committee Amendment "A" (H-1090) ADOPTED.

Committee Amendment "A" (H-1090) as Amended by Senate Amendment "B" (S-675) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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

NOMINATION - of Cheryl H. Russell of Lincoln Center for appointment to the Board of Environmental Protection.

Tabled - April 5, 1990, by Senator PRAY of Penobscot.

Pending - CONSIDERATION

(In Senate, April 5, 1990, Communication from Committee on ENERGY AND NATURAL RESOURCES READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Cheryl H. Russell of Lincoln Center 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 CLARK, TITCOMB  
NAYS: Senators BALDACCI, BOST, BRANNIGAN,  
BRAWN, BUSTIN, CAHILL, CARPENTER,  
COLLINS, DILLENBACK, DUTREMBLE,  
EMERSON, ERWIN, ESTES, ESTY, GAUVREAU,  
GILL, GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, MATTHEWS, PEARSON, RANDALL,  
THERIAULT, TWITCHELL, WEBSTER,  
WEYMOUTH, WHITMORE, THE PRESIDENT -  
CHARLES P. PRAY

ABSENT: Senators ANDREWS, BERUBE, PERKINS

2 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent, and 2 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 Cheryl H. Russell, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

An Act to Establish the Department of Families and Children

H.P. 1199 L.D. 1666  
(H "A" H-1008 to C  
"C" H-820)

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

Pending - ENACTMENT

(In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008) thereto, in concurrence.)

(In House, April 5, 1990, PASSED TO BE ENACTED.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "C" (H-820) as Amended by House Amendment "A" (H-1008) thereto.

On further motion by same Senator, Senate Amendment "B" (S-672) to Committee Amendment "C" (H-820) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BRANNIGAN: Thank you Mr. President. This is a technical Amendment that was an issue in this Bill and in the budget. One of those had to be changed, this is changing the Bill. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-672) to Committee Amendment "C" (H-820) ADOPTED.

Committee Amendment "C" (H-820) as Amended by House Amendment "A" (H-1008) and Senate Amendment "B" (S-672) thereto, ADOPTED IN NON-CONCURRENCE.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is with a great deal of sadness that I rise tonight to ask you to defeat this Bill. I have been involved since last Thursday. I would consider negotiating with the prime sponsor from the other Body to try to arrive at a compromise that would be acceptable to everybody so

that when we went home from this session we would indeed be able to have a focus on children and children's services.

We were going along very smoothly until late last evening. As you all recall, we were here in session until 12:30 or so last evening, and late, late in the evening, the negotiations broke down. I was not able to get a copy of what we had verbally been agreed on to show to the Executive Office. Since this is what I consider a three-way negotiations and compromise with the other Branch, this Branch, and the Executive Department, I felt it was only fair that the Executive should see what I had been negotiating, since his people were not allowed to participate in the negotiation.

I just could not move forward without having something in writing and having the Bill pass last night. It was determined by powers that be from the other Body that the Bill was going to do the circle last evening. I was trying to prevent that, and asked, in fact, if we could have until this morning so we could share that draft, or something with everybody who was involved in the negotiations. It did not come to pass, and it was determined that the Bill would go forward.

The compromise that was arrived at was very, very palatable to both parties, and I must commend the prime sponsor from the other Body for the work that she put into this. It was hard because we both had to give an awful lot, and we both did willingly, because we were anxious to do something for children in this session and bring the focus to it.

I rise and ask you to vote against this because this is the original Bill. This was removed from the Table, passed through, and showed up here today, and it is just an onerous Bill, because there was no Task Force that originally looked at this particular Bill as it was being drafted. There was no Commission that looked at it as being drafted. In fact, there were two Commissions that had gotten together in the previous years to determine that we did not need a Department per say. What we have before us tonight is something that came about because of an isolated working agreement with a group of people who really weren't involved in providing the services to the children presently.

I think it's really a difficult task for me, because I just was so sure that if we had a little bit more time we could have worked something out this morning. And I ask any of you in this Body, if you were involved in negotiations of any sort, and could not have something in writing so that you could present to a fellow peer, or someone to try to entice them, or invite them to participate with you, would you be willing to do that? I don't think you would. I think it is fine to talk and give a verbal description of what is going on, but we all know language can do funny things. All I asked for was that something be put in writing so we could share that with the Executive Branch and then come forth this morning to perhaps pass a unanimously conceived Bill that would pass both Bodies. That opportunity was not allowed me, and I ask you today to vote against this original Bill because it is just a bad Bill.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been working for sometime today on some remarks regarding L.D. 1666, not having been involved in the negotiations to which the good Senator from Cumberland, Senator Gill refers, and from the prospective of a facilitator

outside of the negotiations forum, and would share them with you.

The art of compromise requires a willingness to listen, to gracefully express opposing views, and finally, to be states persons or states people. I sincerely applaud the diligent diplomacy on this Legislation, L.D. 1666, of the Senator from Cumberland, Senator Gill, the Senator from Kennebec, Senator Bustin, and the Senator from Androscoggin, who is not with us this evening, Senator Berube, who is the Chair of the Joint Standing Committee on State and Local Government.

You can tell I am doing what I usually do again, and that is speaking in paragraphs rather than in concise sound bites.

These and another number of legislators have practiced the art of public policy development well. They worked scores of days and far into the nights with leaders of the Executive Branch to reach agreement on a compromise revision of this Bill, to plan to establish a Department, or whatever we want to call it, of Families and Children. Legislators and Advocates for Children have met repeatedly with the Governor's staff and the Governor's representatives, or as I call them, the Governor's ambassadors. But alas, last night at around 10:30, the representative, or even the ambassador from this Body, returned from the Governor's office with a message that two further points of disagreement exist, and that \$32,000 in light of the current financial situation is not available to go the final way for this compromise for children. In order that there is no doubt about the Maine Legislature's goodwill for children, I'm going to attempt, I hope accurately, to enumerate points of a compromise for children agreed to by legislators in response to proposals by our Governor. Legislators have agreed to make the following compromises to address issues raised by our Governor:

First, there was concern about the process for appointment of a Commissioner. We addressed that in rather expansive debate in this Chamber. In the amended Bill before us, or what was before us today, the appointment process is streamlined by deleting appraisal of candidates by the Maine Human Development Commission. At least, that's my understanding.

Secondly, there was concern about appointments to the Advisory Committee on Family and Children. In the amended Bill before us this evening, the appointments are revised. 18 out of 30 members will be appointed by our Governor. There was concern that the Bill presumed that establishing a Department is the best way to organize services for families. In the amended Bill before us this evening, language was added to clarify the intent of the original Bill.

Third, an implementation plan is to be submitted for consideration by our Governor and the Legislature in 1991. The Bill now explicitly states the plan may be approved or disapproved. The Bill makes, I believe, absolutely clear, that alternatives to the proposed Department are authorized to be considered. Alternatives are open for consideration, and other proposals may be included in the February 1991 report, if that is in the best interest of children.

Fourth, a Commissioner of Families and Children was proposed to be the focal point for Executive Branch preparation of the implementation plan. I believe it is now possible to agree that the position be named Interim Commissioner, and that the term of office end on June 30, 1991. I recognize and understand that there was concern about the costs of this Bill. That was expressed to me most poignantly by the good Senator from Androscoggin, Senator

Berube. Some exaggerated estimates projected the need for a whole cadre of new staff at a cost of up to \$1.5 million.

Fifth, I believe it's possible now to agree that the position of Interim Commissioner be temporarily provided by transferring a personnel position and funds from the Bureau of Children with Special Needs to be Interim Commissioner at no additional cost.

Sixth, the Bill now makes crystal clear that the proposed Department is intended to consist of transferring existing staff, budgets, and programs, after approval or disapproval in the future by the Governor and the Legislature.

Seventh, the Bill now includes language that when a budget is prepared proposing transfer of existing resources, that preparation of the budget shall consider adequate and appropriate use of federal Medicaid funds and other federal resources which are now underutilized in Maine. I think that admission has been recognized. Just so the significance of this item isn't lost on the few members of the Chamber who are present, I wish to offer one matter of information for your consideration. Reliable estimates show that more than \$10 million available to Maine through Medicaid and other federal resources has not been received due to inaction of the Executive Branch during 1988 and 1989.

Eighth, the federal government recently announced that states may apply by May 11, this year, for a substantial pool of federal grant funds. The grant funds are available to encourage states to better coordinate, consolidate, and streamline services to families and children. It is now possible, members of this Chamber, to agree that Maine should apply by May 11 for the federal grant funds. Fortunately, the Bill before us is not an emergency which would require passage in the Senate as we all know by a two-thirds vote.

Our Governor is concerned that the Bill before us saves taxpayers \$390,000 by abolishing 7 1/2 high level managers whose work duplicates the work of other managers. At the request of the opponents of L.D. 1666, it's now possible to agree that an amended version of the Bill would not abolish those positions.

Tenth, finally, as noted earlier, there is concern that the Bill before us could cost \$1.5 million by some estimates. Members of the Senate, I regretfully and unfortunately, must report to you this sad situation that has been attested to by the Senator from Cumberland, Senator Gill, for it's my understanding that around 10:30 last evening, what I call a representative or an ambassador of this Legislature, returned from the Governor's office with this news that there are no longer estimated costs for the Bill of \$1.5 million. Also, that there are no funds available to cover the final cost of a compromise for children.

In addition, members of the Senate, I have no choice but to report to you, that the Governor's office compromised on the cost from \$1.5 million all the way down, commendably to \$32,000. But still, members of the Senate, there is not \$32,000 available for a compromise to better serve the children of our state. Thank you, Mr. President.

On motion by Senator TWITCHELL of Oxford,  
RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

ORDERS OF THE DAY  
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Recess, 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 following Unfinished Businesses:

An Act to Establish the Department of Families and Children

H.P. 1199 L.D. 1666  
(H "A" H-1008 to C  
"C" H-820)

(In Senate, March 28, 1990, PASSED TO BE ENGROSSED, AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008) thereto, in concurrence.)

(In House, April 5, 1990, PASSED TO BE ENACTED.)

(In Senate, April 6, 1990, RECONSIDERED ENGROSSMENT. Subsequently, Committee Amendment "C" (H-820) as Amended by House Amendment "A" (H-1008) and Senate Amendment "B" (S-672) thereto, ADOPTED in NON-CONCURRENCE.)

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

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

Senator GILL: Mr. President and Members of the Senate, I know that a Roll Call has been asked for but I am still trying to negotiate and I know at the last minute, it's hard to deal with, but I am trying to deal with the Executive Branch to see if there is something that can be accepted by the other parties involved. I would request that someone table this so that I could continue my discussions.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Off Record Remarks

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Bill "An Act to Establish a Hazardous Waste Minimization Program"

H.P. 1674 L.D. 2316

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-1083).

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

Pending - Motion of Senator KANY of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

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

(In House, April 5, 1990, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

Senator LUDWIG: Thank you Mr. President. Ladies and Gentlemen of the Senate, I will try not to delay you any farther than we did to go. I hope you will vote against the pending motion and accept the Minority Ought to Pass as Amended by Committee Amendment "A" Report.

You are familiar now with some of the discussion that went on earlier and, alas, I have mislaid my

notes, so I trust you will just remember that I said in the matter of cleaning up hazardous waste in the workplace that this was a most reasonable approach to take, the Minority Report. I think it will make most of our small businessmen very happy as they continue to go about reducing hazardous waste in the workplace, and trying to find satisfactory non-toxic substances to accomplish what they have become good at manufacturing. Thank you, Mr. President.

At the request of Senator DUTREMBLE of York, a Division was had. 15 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator KANY of Kennebec, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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 Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore

S.P. 969 L.D. 2436  
(C "A" S-653)

Comes from the House FAILING OF ENACTMENT.

On motion by Senator WEBSTER of Franklin, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-671) READ.

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

Senator DUTREMBLE: Mr. President, could we have an explanation of what this amendment does?

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 Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate, this amendment withdraws the emergency preamble from this legislation. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-671) ADOPTED.

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

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

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

ENACTORS

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

Bond Issue

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  
(S "A" S-661)

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 Make Changes to Certain Motor Vehicle Laws

H.P. 1464 L.D. 2041  
 (C "A" H-1072)

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

Emergency

An Act to 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

H.P. 1590 L.D. 2202  
 (C "A" H-1054)

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise this late hour this evening to express concerns, serious concerns, of many of the members of the Joint Standing Committee on Human Resources, which I Chair. I apologize that these remarks will be somewhat lengthy, but due to the severity of concerns, I believe it's important that I voice them at this time. It's important to note that the Human Resources Committee has endorsed this legislative measure with some reluctance as will become apparent from my remarks this evening.

Over the past ten years, there has been very strong bipartisan support to assist AFDC recipients to achieve self-sufficiency through comprehensive employment and training services. As you know, those services were developed and provided under the WEET program, Welfare, Employment, Education and Training, which began in 1982. In fact, the WEET program was nationally recognized as a very innovative and effective alternative to conventional short term welfare return to work programs. It is true that funding restrictions limited WEET services to about one half of our state.

One of the goals of ASPIRE was, in fact, to substantially increase the number of people who could take advantage of education and training services. Unfortunately, the goal of ASPIRE continues to elude literally thousands of Maine families. From the very inception of this program, members of my Committee have had reservations about ASPIRE's cumbersome work design and program design, which, in fact, reverts back to the pre-WEET, WIN programs division between the Department of Human Services and the Department of Labor. There was a major concern, which we believe has been realized, that bringing back this arrangement would prove both costly to the state and burdensome to recipients.

We did try, last year, or rather last session, to resolve many of the problems which ASPIRE had created. However, there are still significant issues which remain. Last year, we reviewed the program in some detail as the sunset placed upon it last year was about to expire. Our Committee has heard from numerous quarters that ASPIRE participants often times experience major problems in services, including unnecessary testing, long delays in reimbursement of support services, and costly

duplicative, administrative practices which result in significant expense. The problems can be summarized as follows:

First, in job placement. We learned from the Department of Human Services, that almost 1200 AFDC recipients were placed in jobs in the first year of the ASPIRE program operation. But, we compare that to the WEET program which placed some 1244 recipients in 1987, and according to an ASPIRE planning document, the WEET and JTPA programs, operating independent of one another, placed 1700 AFDC recipients in jobs in 1987, some 30% more than ASPIRE achieved two years later on. We also have concerns about the efficiency of the ASPIRE program, as far as costs per placement is concerned. It's a standard mechanism, a measure of program's effectiveness, to determine the average cost per person entering employment. The data which the Human Resources Committee has received, indicates that it's much more costly to deliver services under the ASPIRE mechanism than it was under the WEET program. In fact, using DHS information, our Committee has found that the ASPIRE budget, of some \$10 million, placed the cost per placement for ASPIRE recipient at \$8,500, which was four times, four times the cost of placement under the prior WEET program. Beyond that, the Human Resources Committee has, over the last two years, received extensive criticism from ASPIRE clients that they've been required by Department of Labor contract agencies to take extensive testing before being provided program services. It's important to point out that many of these clients had extensive educational backgrounds, but they were still required to undergo fundamental, rudimentary assessments. Our information from the Committee is that over 80% of ASPIRE recipients entering training were tested, and the cost for each assessment is \$375 per person, for a total cost in the area of \$1 million. Contrast that with the WEET program, where participants were only tested if necessary, and the testing was arranged at very little cost. Now we did attempt, last year, to address this problem legislatively by limiting the Department's ability to test persons only in those cases when training needs could not be determined without an assessment tool. But we still heard many complaints about unnecessary testing. It's the belief of many members on the Human Resources Committee that the million dollars which was spent in assessments could be far better served addressing the needs of some 1200 people who are currently on a waiting list, waiting for ASPIRE services. We've also been concerned about the monopoly on service provider contracts under the current mechanism with ASPIRE services. The Human Resources Committee has learned the ASPIRE program design, when it was first presented to our Committee, did not allow programs that we had used with great success to compete with the Department of Labor for education and training contracts. The Department of Labor has shown great reluctance to use other service providers, choosing instead to provide services in-house and to charge the Department of Human Services for these services. For example, the Displaced Homemakers program, scheduled this year to receive only \$5,000 from ASPIRE funding, even though almost half of its clients are AFDC recipients. Under the contract with the Department of Human Services, D.O.L., is providing services to ASPIRE participants that Displaced Homemakers program has provided for years. We don't believe that this is the best way to provide effective services or avoid costly duplication of efforts. Perhaps the most upsetting concern we've heard is the significant delays in reimbursement for program services. These

delays have created tremendous hardships for ASPIRE recipients. The Committee has attempted to address this problem with language requiring the Department to adopt rules to ensure proper vision of ASPIRE services. But the problems persists. In fact, there are currently, two class action lawsuits filed against the Department due to lack of timely reimbursement for critical services such as day care and transportation. In spite of the clear mandate of the ASPIRE statute, our Committee continues to hear from participants who have not been advised of their basic right to support services. Many ASPIRE recipients have been discouraged from applying for these services which they need. It's important to point out that many of these problems have arisen in contract areas managed by the Department of Labor. Another area of major concern to our Committee deals with the loss of federal funding. When ASPIRE was first brought to the attention of the Human Resources Committee, there were legitimate concerns which our Committee raised as to the possible loss of federal funding due to problems with matching funds. In fact, in the first year of its program operation, ASPIRE lost some \$350,000 in potential federal match, due to a decision of the Department of Human Services to contract for case management services under the Department of Labor. Perhaps of more concern, we've also learned that as much as \$2 million, that is \$2 million of additional dollars, may have been lost as a result of failure on the part of the Department of Labor contract agencies to report program expenditures on time. While they understand that contract of case management is matchable under the Federal Family Support Act, this is a significant question as to whether all of the elements in case management provided under ASPIRE can be matched under the Federal Family Support Act. It's clear that certain functions which currently are being performed by contracted case managers, must now be done by the Department of Human Services in order to qualify for the federal match. And there is a question of whether the responsibility of determining eligibility for child care and other support services can be contracted out. That is currently under investigation by the General Council of the Health and Human Services Department in Washington. The bottom line is, the Human Services Department has requested guidance from Washington in terms of how to proceed and the Administrative contortions which we have gone through have lead Hugh Gallagher, who is the Region 1 Director of HHS, when asked to comment on the propriety of the Administrative structure of ASPIRE, he said and I quote, "As I review your preliminary plan, and the questions you submit, the issue for me is not whether you can do these things, but why would you want to."

In short, we believe the ASPIRE Program has partially succeeded in extending services to those amongst us who wish to improve their lives, who wish to secure job training, and enter the job market. Unfortunately, due to the current configuration, of Administration of the program, there are major problems, problems which persist. The Human Resources Committee has tried diligently to work with the Administration in streamlining the process, so that we can use what limited dollars we have to provide the most services to ASPIRE clients. It is our view until the basic problem, which is this joint management structure that we have with the Department of Labor and the Department of Human Services, until that is resolved, we fear the problem will continue. The ASPIRE Program has only a marginal increase in the number of clients served, the tragedy here, is it could be much, much better if it were managed

better. The Human Resources Committee has recommended the legislation before you this evening, but it is apparent from my comments tonight, we have major concerns which will require further legislative review. Thank you very much.

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

Off Record Remarks

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

SECOND READERS  
House

Ought to Pass As Amended

Bill "An Act to Establish Fees for Nonferrous Metal Mining" (Emergency)

H.P. 1753 L.D. 2416  
(H "A" H-1094 to  
C "A" H-1065)

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

ORDERS OF THE DAY

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

An Act Relating to Correctional Policy

H.P. 1814 L.D. 2486

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

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED, in concurrence.)

On motion by Senator CAHILL of Sagadahoc, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "B" (S-673) READ and ADOPTED.

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

Sent down for concurrence.

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

ENACTORS

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

An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws

S.P. 940 L.D. 2378  
(S "A" S-651 to C "A"  
S-638)

An Act to Ensure the Proper Payment of Property Tax Relief Funds

S.P. 988 L.D. 2451  
(C "A" S-663)

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 Provide Adjustments in the Educational Funding Formula

H.P. 836 L.D. 1168  
(C "B" H-1053)

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on TAXATION on Bill "An Act to Provide Funds for the Maine Solid Waste Management Fund" (Emergency)

H.P. 1821 L.D. 2494

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1791.

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.

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

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 Reduce the Use of Marijuana and to Make Related Amendments to the Drug Laws

H.P. 1721 L.D. 2377  
(C "A" H-1057)

An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums

H.P. 1730 L.D. 2389  
(C "A" H-1060)

An Act to Regulate and Monitor the Discharge of Toxic Substances into the State's Waters

H.P. 1735 L.D. 2394  
(C "A" H-1055)

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 Modify the Applicability of the Certificate of Need Program to Hospitals and to Exempt Certain Hospital Restructuring Activities from the Requirement of Approval by the Maine Health Care Finance Commission

H.P. 1767 L.D. 2435  
(C "A" H-1043)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1712 L.D. 2363  
(C "A" H-1075)

In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1075), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS

AMENDED BY COMMITTEE AMENDMENT "A" (H-1075) AS AMENDED BY HOUSE AMENDMENT "A" (H-1092) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

ENACTORS

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

Resolve

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

S.P. 1000 L.D. 2472  
(S "A" S-659)

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

H.P. 1811 L.D. 2483

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Establish the International Commerce Council"

H.P. 1726 L.D. 2385

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDREWS of Cumberland  
DUTREMBLE of York

Representatives:

GRAHAM of Houlton  
BELL of Caribou  
NADEAU of Lewiston  
MILLS of Bethel  
MELENDY of Rockland  
KILKELLY of Wiscasset

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-991).

Signed:

Senator:

WEYMOUTH of Kennebec

Representatives:

LEBOWITZ of Bangor  
DONALD of Buxton  
BAILEY of Farmington  
HEESCHEN of Wilton

Comes from the House, Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

Senator CLARK of Cumberland moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator WEYMOUTH: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to bring your attention to this Bill, I know it is not going anywhere, but this was a Bill that was before the Committee, and I think we should look at the thrust of this Bill.

The Bill was before the Committee, to give the Committee more authority to deal with international trade and international commerce. The budget of the Committee was cut, therefore, the Committee is not in

a position to utilize this Bill, but I would hope in the future we could look at this Bill again, and realize that the Committee does want to improve and get into the foreign investment and the international commerce. Thank you

On motion by Senator CLARK of Cumberland, the Majority OUGHT NOT TO PASS Report ACCEPTED.

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

ENACTORS

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

"An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards

H.P. 1418 L.D. 1970

(S "C" S-669 to C

"B" H-1068)

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

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

Off Record Remarks

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 Creating the Long Pond Water District

S.P. 916 L.D. 2322

(S "B" S-652; C "A"

S-606)

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

Emergency

An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers

S.P. 934 L.D. 2365

(C "A" S-641)

Senate at Ease

Senate called to order by the President.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease  
Senate called to order by the President.

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 Concerning Living Wills

H.P. 1497 L.D. 2074

(C "A" H-1059)

An Act to Improve Protective Services for Incapacitated and Dependent Adults

H.P. 1754 L.D. 2417

(H "B" H-1080; C "A"

H-1041)

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 Implement the Recommendations of the Court Jurisdiction Study

H.P. 1682 L.D. 2328

(C "A" H-1077)

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 Relating to the Protection and Advocacy Agency for Persons with Disabilities

H.P. 1527 L.D. 2112

(C "A" H-1044)

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

Emergency

An Act Concerning Political Campaign Financing and Reporting

H.P. 1570 L.D. 2175

(C "A" H-1074)

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

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 Child Support Guidelines

H.P. 1704 L.D. 2353



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(C "A" H-1079)

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

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

ENACTORS

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

An Act Relating to Health Maintenance Organizations

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

An Act to Protect the Public from Unsafe Industrial and Commercial Facilities

H.P. 1249 L.D. 1747  
(C "B" H-1050)

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

ORDERS OF THE DAY

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

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 HOBBS of York, Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY.

Sent down for concurrence.

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

JOINT ORDER - Recalling Bill, "An Act to Promote Responsible Utilization of Ground Water, L.D. 1409, H.P. 1011, and all its accompanying papers, from the legislative files to the Senate.

S.P. 715

Tabled - January 3, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE

(In Senate, January 3, 1990, READ.)

On motion by Senator CLARK of Cumberland, INDEFINITELY POSTPONED.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Saturday, April 7, 1990, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
45th Legislative Day  
Saturday, April 7, 1990

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

Prayer by Reverend David Sparks, First Church of the Nazarene, Augusta.

The Journal of Friday, April 6, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 6, 1990

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Minority Ought To Pass As Amended By Committee Amendment "B" Report on the 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).

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 6, 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 Education:

Michael W. Aube of Bangor for appointment to the State Board of Education. Michael W. Aube is replacing Joyce Roach.

David T. Flanagan of Freeport for reappointment to the University of Maine Board of Trustees.

Nancy Masterton of Cape Elizabeth for appointment to the University of Maine Board of Trustees.

Nancy Masterton is replacing Thomas Monaghan.

Cheryl A. Tobias of Augusta for appointment as the Student Trustee, University of Maine Board of Trustees. Cheryl A. Tobias is replacing Thomas Dukes.

Owen Wells of Falmouth for appointment to the University of Maine Board of Trustees. Owen Wells is replacing Joseph Hakanson.

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 6, 1990