

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

S/Barry J. Hobbins
Senate Chair

S/Patrick E. Paradis
House Chair

Was read and ordered placed on file.

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

In Senate Chamber
Thursday
April 12, 1990

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H.P. 1833) (L.D. 2506)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,

Adjourned until Friday, April 13, 1990, at nine o'clock in the morning.

Senate called to Order by the President.

Prayer by the Honorable R. Peter Whitmore of Androscoggin.

HONORABLE R. PETER WHITMORE: Good morning. This certainly is a different perspective that I've had of the 114th Legislature, or at least the 114th Senate, from this position. Let us pray.

Lord God, Father of us all, we ask You to bless us as we go about our duties today. We seek Your help to allow us to render decisions that will be reasoned, not capricious. Our strength and tolerance are many times tested in this process. We call on You to give us the strength to carry out our tasks and help us to be patient with each other at all times. Finally, Lord, we must confess, we cannot tell a lie, we are all praying that this day end Sine Die.

Reading of the Journal of Yesterday.

Off Record Remarks

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

April 11, 1990

Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333
Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear President Pray and Speaker Martin:

It is my privilege to present herewith the first annual report of the E-911 Advisory Committee as required by law.

Although the Committee started slowly, we have made considerable progress in the past year in that we have narrowed and defined the issues we must deal with, and more importantly, identified how we can implement this system at considerable savings in comparison with the original plan.

Many challenges lie ahead as the establishment of a statewide E-911 system in a large rural state requires the resolution of a series of special problems. Nevertheless, given the commitment of the Committee, your support and that of public safety agencies, I believe we will succeed.

Respectfully submitted,
S/John R. Atwood
Commissioner

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

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

April 11, 1990

Honorable Charles P. Pray
 President of the Senate
 114th State Legislature
 State House
 Augusta, Maine 04333
 Dear President Pray:

Enclosed is a draft copy of the final report of the Commission to Study Problems with the Municipal Assessment, Valuation and Collection of Property Taxes. The Commission was required to report to this session of the Legislature. For numerous reasons, issuance was unavoidably delayed until now and the final version has not yet returned from the printers. Therefore, we have sent this copy, which differs from the final version only in minor technical ways, in an effort to meet the statutory deadline. As soon as the final version is completed, we will make copies available to the full Legislature.

Thank you for the opportunity to serve on this Commission. We have provided additional points of discussion for future studies and look forward to the work of the Select Committee on Comprehensive Tax Reform being established in separate legislation currently before the Legislature.

Sincerely,
 S/Sen. Thomas H. Andrews
 Commission Chair

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

SENATE PAPERS

Bill "An Act Relating to the Whitewater Rafting Laws" (Emergency)

S.P. 1005 L.D. 2501

Presented by Senator GOULD of Waldo
 Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.
 Sent down for concurrence.

ORDERS

Joint Orders

On motion by Senator BOST of Penobscot the following Joint Order: S.P. 1007

ORDERED, the House concurring, that "Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine," S.P. 561, L.D. 1564, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Which was READ.

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

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on EDUCATION on Bill "An Act Regarding the Secondary Market for Student Loans"

S.P. 901 L.D. 2295

Report - Ought to Pass.

Tabled - March 19, 1990, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE

(In Senate, March 19, 1990, Report READ.)

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Sent down for concurrence.

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

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE, the following matter:

Emergency

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 1776 L.D. 2444

(H "A" H-1103 to C

"A" H-1064)

Tabled - April 11, 1990, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In Senate, April 10, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1064) AS AMENDED BY HOUSE AMENDMENT "A" (H-1103) thereto, in concurrence.)

(In House, April 11, 1990, PASSED TO BE ENACTED.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-1064) as Amended by House Amendment "A" (H-1103) thereto.

On further motion by same Senator, Senate Amendment "A" (S-694) to Committee Amendment "A" (H-1064) READ and ADOPTED.

Committee Amendment "A" (H-1064) as Amended by Senate Amendment "A" (S-694) and House Amendment "A" (H-1103) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

ENACTORS

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

An Act to Allow the Harness Racing Commission More Flexibility

H.P. 1828 L.D. 2500

(H "A" H-1113)

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

Emergency

An Act to Require the Superintendent of Insurance to Review the Requirements for a Certificate of Authority for Certain Captive Medical Malpractice Insurers

S.P. 705 L.D. 1843
(C.C. "A" S-689)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 2 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS

Joint Order

On motion by Senator KANY of Kennebec the following Joint Order: S.P. 1008

ORDERED, the House concurring, that "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, and all its accompanying papers be recalled from the legislative files to the Senate.

Which was READ.

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

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

PAPERS FROM THE HOUSE

The Following Joint Resolution: H.P. 1827
JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED AS VICTIMS OF NAZISM

WHEREAS, 45 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 24, 1990, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 22nd to April 29th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and

inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be sent to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

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

H.P. 1830 L.D. 2502

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, RECESSED until 4:00 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:

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 to Finance Major Improvements and Renovations at State Parks and Historic Sites"

S.P. 995 L.D. 2461

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Construction of Water Pollution Control Facilities"

S.P. 997 L.D. 2464

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates"

S.P. 1004 L.D. 2492

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-698).

Signed:

Senators:

- KANY of Kennebec
- ERWIN of Oxford
- LUDWIG of Aroostook

Representatives:

- DEXTER of Kingfield
- LORD of Waterboro
- MICHAUD of East Millinocket
- JACQUES of Waterville
- GOULD of Greenville
- COLES of Harpswell
- SIMPSON of Casco
- HOGLUND of Portland
- ANDERSON of Woodland

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representative:

- MITCHELL of Freeport

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-698) Report ACCEPTED.

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

Senator CAHILL: Mr. President, I couldn't find Senate Amendment 698. Would someone care to tell me what it does?

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

Senator LUDWIG: Basically, this amendment delays the amount of time necessary for municipalities to have covered sand and salt facilities. It does nothing to delay the need for them to remove underground tanks. Senator Kany has just arrived. She might want to add something to that, but that, basically, is what this amendment does.

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

Senator CAHILL: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I apologize for delaying us. I know everyone is antsy and wants to get on with our work. This was my legislation and I didn't realize it was being heard today. I have not had a chance to review that amendment. Could you just table it until later in today's session and I promise I'll get this resolved in an hour or ten minutes or whatever.

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

Senate at Ease

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for Acquisition of Certain Rail Lines, Rail Trackage Rights or Easements or Ancillary Rights and Interests for the Establishment, Preservation and Operation of a Rail System to Service Maine"

S.P. 1009 L.D. 2504

Presented by Senator GILL of Cumberland Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

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

ENACTORS

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

Emergency

An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation

H.P. 1731 L.D. 2390

(S "B" S-692 to C "A" H-1093)

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 Resolve

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

H.P. 1830 L.D. 2502

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 3 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, 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 Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal Facilities"

H.P. 1332 L.D. 1849

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund"

H.P. 1361 L.D. 1878

The Committee on APPROPRIATIONS AND FINANCIAL

AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Use in Assisting Municipal Cleanup and Restoration of Areas Damaged by Sand and Salt Storage Piles"

H.P. 1463 L.D. 2040

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Finance the Acquisition of Farmland to Preserve the Land for its Natural, Open Space, Ecological and Aesthetic Value"

H.P. 1544 L.D. 2129

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize the Issuance of a Bond Not Exceeding \$25,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund"

H.P. 1594 L.D. 2207

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue for the Purpose of Promoting the Well-being and Rehabilitation of Children in Need of Care, Treatment, or Shelter"

H.P. 1747 L.D. 2410

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,989,530 for a New Supreme Judicial Court Facility in Augusta"

H.P. 1775 L.D. 2443

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

H.P. 1797 L.D. 2467

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 1831 L.D. 2503

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1772.

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

Which Report was READ and ACCEPTED, in concurrence.

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

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

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

COMMUNICATIONS

The Following Communication:

S.P. 1010

114TH MAINE LEGISLATURE

April 12, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Honorable John W. Benoit of Farmington for reappointment as Judge of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and REFERRED to the Committee on JUDICIARY.

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

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

COMMUNICATIONS

STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA, MAINE 04333

The Following Communication:

April 12, 1990

To the Honorable Members of the 114th Legislature:

I am returning without my signature or approval S.P. 829, L.D. 2137, "An Act to Repeal the Homestead Exemption." I believe that the Homestead Property Tax Exemption accords the most direct property tax relief presently available to Maine residents and should not, therefore, be eliminated.

This Legislature has recently passed legislation to ease the local administrative burden of the Homestead Exemption. This improvement, along with the circuit breaker legislation passed last session, are important steps to finally realizing comprehensive property tax reform.

L.D. 2137 eliminates the Homestead Property Tax Exemption and allocates the \$10 million saved to expand municipal revenue sharing. There are several reasons such a change would be unwise. First, the Homestead Exemption means significantly greater tax relief to resident homeowners than revenue sharing can provide. Second, the Homestead Exemption constitutes an important first step in lowering the property tax burden for all Maine homeowners. Finally, in a time of limited State resources, a dollar of tax relief funded through the Homestead Exemption is the most cost effective way of easing the burden on Maine's homeowners.

The bill passed last year provides a 5% exemption for property for resident homeowners on the first \$50,000 of value. This equates to a \$2,500 maximum exemption. I recognize that the fiscal imperatives of this budget year have required us to postpone the effective date for funding of the Homestead Exemption. Even so, I do not believe that the size of the Homestead Property Tax Exemption is a persuasive argument for its repeal. This is especially true when we take into account the fact that the municipal revenue sharing formula, which opponents of the Homestead Property Tax Exemption would prefer to fund, transfers even less money to resident homeowners. For example, a South Portland homeowner gets three (3) times the property tax relief from the Homestead Property Tax Exemption than from adding the money to municipal revenue sharing.

It is my sincere believe that efforts to provide comprehensive property tax relief to Maine homeowners must include the concept embodied in the Homestead

Exemption. For that reason, I urge you to sustain this veto.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

Bill "An Act to Repeal the Homestead Exemption"

S.P. 829 L.D. 2137

(H "A" H-988)

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

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, this is the Homestead Exemption legislation that we passed last week. I will not, in the lateness of this session, go into the lengthy debate or the details of the lengthy debate that we've had on this issue. I am confident that we all understand the issue and that we all understand the difference between the approach the Majority took on this property tax debate and what the Governor has taken on the property tax debate. Let me say that if I have learned anything from my eight years of service here, it's that I know how to count and I know exactly where this Bill is going in the vote we're about to take.

I would like to say, on the record, before we take that vote, that the property taxpayer in this state has really taken it on the chin. We started off the 114th Maine Legislature with a resolve and a commitment to providing meaningful property tax relief to the citizens of this state. We argued at the outset that the shift, there was a significant shift, in the payment for government services away from the principle of ability to pay and on top of the property tax system which, in 1990, has very little relation to ability to pay. In short, our tax system has become less progressive, more regressive and significantly less fair.

So, we began with a resolve to turn that around. We held a series of public meetings across this state as the Taxation Committee dealing with the property tax crisis. From York to Presque Isle, we learned that something had to be done. To the credit of this Legislature and this Chamber, we passed some significant property tax reform legislation last year. As a result of the fiscal crisis and the backpeddling on the commitment that we made to the property taxpayers of this state, what momentum we achieved has been compromised. What relief we had worked for will not come to fruition this session. To make matters worse, we were unable to take away and eliminate what, I think, is a very foolish and imprudent piece of property tax legislation, the Homestead Property Tax Exemption Program.

The good news is that while we have deferred action on this particular issue, we have established, once and for all, through legislation that we just enacted, a few moments ago, a comprehensive tax study that will stop, back up and take a look at our entire tax mix as a state - income, sales and property. It will do an evaluation and assessment as to the relative fairness or lack thereof in our tax system and come up with some specific and concrete steps that we can take for comprehensive tax reform in the state of Maine to be introduced in the next session of this Legislature.

Ladies and Gentlemen of the Senate, it is absolutely critical that this Chamber, when that report comes in, bites the bullet and does the job that needs to be done. If we're able to do that next session, then I will feel good about what steps we have taken in this session because we will have laid

the groundwork and established the foundation for final, fair tax reform in Maine.

The sad fact is, that over the past few years, the very wealthiest citizens of this state and of this country, have seen significant tax decreases and the working men and women of this state have seen significant tax increases. It's not fair. It's not right and it cannot be justified. If we are going to expect the citizens of this state to pay for a fair and progressive government that meets its basic responsibilities to the people of this state, then we have got to establish that government on a foundation of fair taxation because if we fail, then the very institution of government itself will be compromised. I fear, ladies and gentlemen of the Senate, that that point of compromise is quick upon us. If we don't take the steps we need to take, then that day, in fact, will come. While I can count and I understand where this particular tax measure is going, I hope that we will have, when we leave this Chamber, the resolve to do what needs to be done with this tax commission that we will establish with this tax study that we will undergo and hopefully, with some meaningful tax reform legislation that will once again restore our tax system on the basis of ability to pay. Thank you.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, I would like to say that I am going to vote to sustain the Governor's veto. That's no surprise to anybody. The reason that I say that now is because there's another one coming. Remember, this Democrat voted to sustain this veto and those people on the other side can do the same thing on the other one.

The President laid before the Senate the following:

"Shall this Bill become Law notwithstanding the objections of the Governor?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators BALDACCI, RANDALL

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, and 16 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto be SUSTAINED.

The Secretary has so informed the Speaker of the House.

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

ENACTORS

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

Emergency
 An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 1776 L.D. 2444
 (H "A" H-1103; S
 "A" S-694 to C "A"
 H-1064)

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

ORDERS OF THE DAY

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

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

S.P. 1004 L.D. 2492

Tabled - April 12, 1990, by Senator CLARK of Cumberland.

Pending - FIRST READING

(In Senate, April 12, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED.)

The Bill READ ONCE.

Committee Amendment "A" (S-698) READ.

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

Senator CAHILL: Thank you, Mr. President. I move indefinite postponement of Committee Amendment "A" (S-698). I'd like to tell you briefly why. L.D. 2492 is the Bill dealing with mandates and how they affect county and municipal governments.

It attempts to do two things. One, it extends the date of sand/salt piles, the requirement to have sand/salt piles by municipalities by one year. The other thing it does, it ups by one year, and if you'd like to look at the amendment, it explains the schedule, on underground storage tanks for schools. This is one of the things that my school districts have the biggest problem with.

We are attempting to address this, as you know, in a bond issue, but there's nothing to say that those bond issues will pass in November. Even if they are passed in November, how long before they'll be able to utilize the money in those bond issues? I believe that if, of course, an underground tank is leaking, it should be removed. If the underground tank is in good working order that to move up the schedule for replacing these underground tanks is appropriate in this time when we are facing major fiscal constraints by all municipalities and school systems. Thank you.

Senator CAHILL of Sagadahoc moved the INDEFINITE POSTPONEMENT of Committee Amendment "A" (S-698).

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

Senator KANY: Thank you, Mr. President, Members of the Senate, I ask you to vote against the pending motion and I will tell you why.

Our Committee, in a 12-1 report, suggested adoption of this amendment. All 13 members of the Energy and Natural Resources Committee were perfectly willing and happy to go along with the suggestion to forestall a requirement of building salt and sand sheds and we're all in agreement on that. The amendment that is being discussed would also postpone the requirement that some government entities not have to take out underground tanks at a certain time. What our Committee, by the Majority vote by the 12 of us, agreed was that we didn't think it was fair to make individual homeowners, businesses,

others, take out their underground tanks at certain dates and allow government entities to wait longer. That bothered us.

Second, I will say, that the dates that were suggested in the Bill that we objected to, if for some reason, the bond issue does not pass in November, and that is unlikely, because general population has gone along with all of the environmental bond issues in recent years, but if, for some odd, strange reason, the citizenry of this state would not allow this bond issue to pass, we still, in January, would have plenty of time to come up with another compliance schedule. I urge you to vote against the pending motion and go along with our 12-1 Committee Report, so that government would be treated no better, or no differently, than our homeowners and our businesses in this state.

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

Senator CLARK: Thank you, Mr. President, Men and Women of the Senate, speaking as the individual Senator from Senate District 26, I heartily concur with the indefinite postponement of this Committee Amendment "A". I have learned to consistently accord the hard working, dedicated and well-meaning Committee on Energy and Natural Resources over these many years and many months and particularly in the First and this Second Regular Session of the 114th Maine Legislature.

The Committee recommendation is 12-1 and that does carry a great deal of weight in this Chamber as it does in the other Chamber. But, suffice it to say, that to exclude governmental entities from the onerous burden of removal of underground oil storage tanks is to provide relief for property taxpayers, many of whom have the expense of removing their individual tanks at their home site, as well as for businesses who contribute to the maintenance of governmental entities.

I've attended a number of meetings in my Senate District and county, representing municipal officers and superintendents of schools. If there is a single issue that provides an open checkbook or an open obligation for incurring debt, it is the removal of underground oil storage facilities. The cost of doing so, in no way, can be covered by the bond issue which has yet to be passed by the voters of this state. That is holding out to governmental entities, particularly governmental entities, a source of funding which is woefully inadequate to the total cost of removal of the underground oil storage facilities.

I concur with the scene that we've heard from the Committee on Energy and Natural Resources. We must protect our environment. We must protect the aquifers. We are in jeopardy if these are not, in fact, removed. But the shifting to local property taxpayers who are going to experience increased property taxes as the result of the cost of municipal government, which represents governmental entities, not the least of which includes local school units, is onerous and potentially even more burdensome than the fact that the shift itself is occurring.

The Committee Report, as I mentioned, and has been mentioned by the good Chair of the Committee, Senator Kany, from the County of Kennebec, is 12-1. But, the one represents the interests, who attended with me those same meetings across Cumberland County, particularly, who requested that this was their number one priority, if in fact, the mandates that are embraced in L.D. 2492 were to receive the scrutiny of this Legislature. I cannot, in good conscience, as the individual Senator representing my district, accept Committee Amendment "A" and that is

why I am here to share with you my position on this issue.

I do urge you to reconsider your position and reconsider the remarks that have been tendered by the Senator from Kennebec, Senator Kany, and look inward to the districts that you represent and say, will this, in addition to the shift to property taxpayers increase the burden to the municipalities that I represent? I submit to you, respectfully, that the answer will be yes, considerably, yes.

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

Senator MATTHEWS: Thank you, Mr. President. A question to anyone who might answer. If we defeat this amendment, would this then exempt the State from that requirement?

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

Senator CAHILL: Thank you, Mr. President. I'm trying to compare both the amendment and the Bill, and it's my understanding that it would not exempt the State, just municipalities.

On motion by Senator CAHILL of Sagadahoc, Committee Amendment "A" (S-698) INDEFINITELY POSTPONED.

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

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Relating to the Whitewater Rafting Laws" (Emergency)

S.P. 1005 L.D. 2501

In Senate, April 12, 1990, referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-1115); "B" (H-1116); "D" H-1118 AND "E" (H-1119) in NON-CONCURRENCE

On motion by Senator ERWIN of Oxford, the Senate RECEDED from its action whereby the Bill was REFERRED to the Committee on FISHERIES AND WILDLIFE.

The Bill READ ONCE.

House Amendment "A" (H-1115) READ.

On further motion by same Senator, House Amendment "A" (H-1115) INDEFINITELY POSTPONED in NON-CONCURRENCE.

House Amendment "B" (H-1116) READ.

On further motion by same Senator, House Amendment "B" (H-1116) INDEFINITELY POSTPONED in NON-CONCURRENCE.

House Amendment "D" (H-1118) READ and ADOPTED, in concurrence.

House Amendment "E" (H-1119) READ and ADOPTED, in concurrence.

On further motion by same Senator, under suspension of the Rules, READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-695) READ and ADOPTED.

On further motion by same Senator, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

JOINT ORDER - recalling "Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine," S.P. 561, L.D. 1564, and all its accompanying papers from the Governor's desk to the Senate.

SP 1007

Tabled - April 12, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE

(In Senate, April 12, 1990, READ.)

Which was PASSED.

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

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

JOINT ORDER - recalling "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, and all its accompanying papers from the legislative files to the Senate.

S.P. 1008

Tabled - April 12, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE

(In Senate, April 12, 1990, READ.)

This Joint Order required the affirmative vote of two-thirds of the Members present and voting for Passage. 27 Senators having voted in the affirmative and No Senators having voted in the negative and 27 being more than two-thirds of the Members present and voting, the Joint Order was PASSED.

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

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Major Maintenance Problems in Public School Facilities"

H.P. 1786 L.D. 2456

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1121).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (S-1121) READ and ADOPTED, in concurrence.

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

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

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

H.P. 1798 L.D. 2468

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1120).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1120).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (S-1120) READ and ADOPTED, in concurrence.

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

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 12, 1990

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

Dear Madam Secretary:

House Paper 1583, Legislative Document 2192, AN ACT to Reduce Toxics Use, Toxics Release and Hazardous Waste Generation, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-four voted in favor and sixty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PEARSON of Penobscot, RECESSED until 7:30 in the evening.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Reducing the Use of Toxic Substances in the Workplace by Minimizing the Generation of Hazardous Waste"

H.P. 1832 L.D. 2505

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:

ENACTORS

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

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

H.P. 1711 L.D. 2362
(C "A" H-972; S "B"
S-629; S "D" S-632)

Which 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 ordered sent forthwith.

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

SENATE PAPERS

Bill "An Act to Clean the Environment by the Reduction of Toxics Use, Waste and Release"

S.P. 1011 L.D. 2507

Presented by Senator DUTREMBLE of York
Cosponsored by Representative LUTHER of Mexico,
Senator KANY of Kennebec and Representative
MICHAUD of East Millinocket
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Committee on ENERGY AND NATURAL RESOURCES
suggested and ORDERED PRINTED.

Under suspension of the Rules, READ TWICE, without Reference to a Committee.

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

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 Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991

H.P. 1831 L.D. 2503

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

Senator ESTES: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I would be remiss if I were to allow this budget document to go onto Enactment without bringing to your attention something that I feel is a very significant change and actually, a step backwards, in terms of our commitment to funding public education in the state of Maine.

I call your attention to page 162 in the document. At the very top of the page there is a new section, sub-section 4, that says "State Subsidy for FY 1990-1991". Let me say, first of all, that two years ago the Education Committee worked hard on recommendations that had come from the Commissioner's Task Force on the Finance Formula. One of the changes in that formula dealt with the contributions from the General Fund. I read from the law as it currently stands. It says, "It is the intent of the Legislature to provide at least 55% of the costs of the total allocation from General Fund revenue

sources or a percentage no less than that provided in the year prior to the year of allocation which ever is greater." The new language says, "notwithstanding sub-section 1, for FY 1990-91 only, the state share for the foundation allocation, debt service allocation and minimum state allocation for all school administrative units is limited to \$522 million."

That's quite a sum of money, ladies and gentlemen, but I would like to tell you that the state share percentage last year was 56.8%. We were moving towards the goal of the original Finance Act of 1985. That goal being to increase the state share to 60% and then 65% in future years. We've tried, in the First Session of the 114th. We tried in the First and Second Sessions of the 113th to get that share up. We were able to get it up to 56.8% last year. With this change in the language for the Finance Act that we will be approving shortly this evening, our state share drops by almost 2%. It will be right about the 55% level.

I am grateful that we came up with a plan to restore \$10 million to General Purpose Aid out of the \$22 million that had been proposed. The original certified costs in December were a little over \$534 million. What we will be approving will be a figure of \$522 million, a \$22 million difference. We're running \$12 million short of what the state board certified in December.

On top of that, I want you to keep in mind that the low income adjustment that was part of the property tax relief package last is \$3 million less this year. On top of that, there has also been the elimination of \$4 million in other adjustments such as unusual enrollment. So that's 4 plus 3 plus 12, that's \$19 million in what should have been obligated state funds under the current finance formula that we are not obligating ourselves to and the effect is going to be tremendous.

Let me tell you that the increase in General Purpose Aid is directly related to the actual expenditure increases at the local level for the 2 previous years. Local costs increased in 1987-88 by 13.7%. In 1988-89, local costs increased by 15.26%. While the reasons for double digit increases will vary from one school district to another, the primary reasons are due to program expansion to meet the local unit's commitment to school reform efforts. There are other factors that have influenced these increases considerably. Some of these include major capital outlays, over 200% increase, bus purchases, 131% increase, leases, 70% increase, special education costs up by 20%, nutrition up by 25%, staff benefits, primarily health insurance, a 29% increase. These increases are from 1987-88 to 1988-89.

Because the increase in General Purpose Aid is directly related to the actual local expenditures from the two previous years, any reductions in local expenditures will lower the percent for statewide increase for a given year. Therefore, the state subsidy for future years will be lower and the loss will be compounded ad finitem.

How can the loss be avoided? Obviously, the loss can be avoided by doing several things. You can restore the money that was cut or you can raise money locally through the property tax. But, remember, \$12 million less than what the certified costs were plus an additional \$7 million in cuts that were made, that's \$19 million in education costs that we have transferred back to the property taxpayers. I want you to keep this in mind because this is going to come back and this is going to haunt us like many

other things are going to haunt us in this year's budget that has been patched together.

I feel that it is probably the only thing we can do. I extend my appreciation to this Body for passing the amendment to the tax amnesty plan because I think that is going to be our only salvation for us to take a look at what's happening with our revenue mix and what needs to be done in order to save our skins and the state's skin next year in the 115th Legislature because we have some very questionable revenue schemes and we have been deferring millions and millions of dollars and we have been making one time takes that we'll never be able to take again. I want you to keep this in mind, about this change in the funding formula. It's something that I'm not happy with. If it was not imperative for us to have a balanced budget, I would be voting against this budget tonight. Thank you.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, if you take a look at your budget and just pick it up or look at the last page, you can see that there are 223 pages in this budget. This was not an easy job. Almost everything in this budget was looked at once, twice, three times, sometimes, four times, hearings on it, at least twice on every item. As we look through this budget, a lot of what we did was not palatable or very palatable to me. It's the same with any budget. You know, I look back over all the weeks and days and hours and hours and hours of struggling with balancing act and you know, obviously, there are errors in it and judgments that are probably wrong. Probably it wasn't the best we could do. Things probably never are, but we tried.

In no area, did we try any harder than in education. My caucus, my leadership and I must say, also, my Governor, in conversations I had with him, indicated to me on numerous occasions, if there's anything you can do better for education, please do so. We've tried. We moved money around. We moved money forward. We did everything we possibly could, so I find it distressing that the Chairman of Education cannot support the budget.

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

Senator ESTES: Thank you. Mr. President, Ladies and Gentlemen of the Senate, and particularly to the good Senator from Penobscot, Senator Pearson, I have great admiration for the work that the Appropriations Committee has done. This is the most unusual of circumstances for them to have found themselves in this year. It's quite a different picture from what we were looking at a year ago when we were talking about spending some 25% increase or \$500 million in additional funds for the biennium. The turn of events has really come back to plague us, I think, at this point.

I raise my objections to this section in the budget bill only because I think the plague is going to continue to be a haunt. I appreciate that we were able to find that additional money for education. What I am trying to point out is that, and part of my frustration is with the press and some of the names the Majority members of the Education Committee were called, I think "Neanderthal" was one of them, for our recommendations of cutting things like the Maine Education Assessment Test or the consultants that come out of the classrooms and are hired up by the Department for a year for the Innovative Grants Programs. It was as if we were treading on sacred turf to say that those were the things that should go before General Purpose Aid.

The cuts in General Purpose Aid are going to have a direct effect on what goes on in the classroom in our schools across this state. Let me tell you another thing, with the cuts that have been made, it isn't going to be the low receiving districts, like I represent, that are going to be adversely impacted. It's going to be the high receiving districts. They are the ones who are going to feel the biggest percentage of the cuts coming on their backs.

It is not that I don't support the hard work that went into this budget. I do. I feel that I had to make a statement here tonight to let you people know what you can expect when you go back to your towns, as they finish up with their budget work to try to make a decision on how much of a percentage they can live with and what exactly is going to have to be cut. The reality will strike home when the tax bills come out in August and September and you and I and others are out there on the campaign trail talking with our citizens. It's going to be difficult to explain and this is going to be one major hurdle that we will be facing next year and having to correct this amendment to get us back on the track to do what we should be doing with public education in the state of Maine. Times are tough and when times are tough, you've got to bite the bullet and you've got to make the cuts. Education will, undoubtedly, be taking its fair share of the cuts. Thank you.

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

Senator GILL: Thank you. Mr. President, Members of the Senate, I feel a little disheartened, too, with the comments that were made. I serve on the Education Committee with the good Senator from York, but I also have watched the Appropriations Committee go through the tortures of Hell that they go through and particularly, this year, in trying to put a budget together. I do appreciate what they've attempted to do.

I have many programs, as you know. I have served in another Committee in the past and I'm well aware of a lot of the programs that I would like to see go forth, expanded, enlarged, more funding, more protection for people, but those things couldn't occur, either. When you haven't got it, you have to stop and look at where you're going. That's the position we're in. I applaud the Appropriations Committee for the efforts they've put in and the patchwork approach, if that's how they had to do it, I just applaud them for sticking to it and coming up with a solution to balance this budget. We are constitutionally bound to have a balanced budget. So it's not a frivolous this. I, too, would like more money for education.

We are all going back to our communities, but you know, when you don't have it in a household, and I have been in positions where I have been a little flushed with money in my household. I have been in positions where I have been scraping for a little money in my household. When you don't have it, you can't spend it. I think it's important for us as a state to know that we're not going to have flush time all the time. I think it's important to understand that we might be in a slack environment right now, financially, and we have to deal with that environment that we're in. The communities at home have to deal with that environment. There's not always a Santa Claus that's going to be able to come forth with funding, so you can have things that you want, whether it's at home or anywhere else.

I do applaud them for what they have done. I've sat many, many years and watched them go through this. I think this is probably the worst year that they've had going through this budget process, but

they have done a good job. They've put a lot of effort into it and they've kept themselves together and they're going to leave this place, hopefully, in good spirit, as I hope we all will. I don't find fault with my good friend from York speaking up. He had something to say and he said it. But I have something to say and I had to say it, too. I think it's time he was able to have a Bill passed that will look at the whole process and I've been saying right from the beginning, this slack period, the period when we don't have a lot of money to deal with is a good opportunity for us to look at where we're going, direction we're going in, programs that we really feel we need, how we're going to fund those programs. I feel very strongly that this is an opportunity we should take and look at and I think communities at home should do the same thing.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1834 ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out such legislation as it determines necessary to increase the borrowing authority of the University of Maine System.

Comes from the House READ and PASSED.

Which was READ.

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

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

COMMITTEE REPORTS

House

Ought to Pass

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

H.P. 1833 L.D. 2506

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 1004 L.D. 2492

In Senate, April 12, 1990, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS

AMENDED BY COMMITTEE AMENDMENT "A" (S-698) in NON-CONCURRENCE.

Senator CAHILL of Sagadahoc moved to ADHERE.

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

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

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, on Supplement 18, as everyone here knows, we Passed to be Enacted, the Lotto America Bill and I just wanted to take a minute because I was slow in reacting to voice my opposition to that Bill. I know there are members in this Body that would have like the opportunity to have been recorded, on at least a Division, as voting in opposition to that Bill. I take responsibility and apologize for that. My objections still stand. I still believe that it is not an appropriate way to deal with tough budgetary problems, but I wanted the opportunity to state that for the Record. My opposition is still as strong as it was the last time we had this Bill here. I still think it's wrong. Thank you. Mr. President.

ORDERS OF THE DAY

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

Bill "An Act Relating to the Whitewater Rafting Laws" (Emergency)

S.P. 1005 L.D. 2501
(H "D" H-1118; H
"E" H-1119; S "A"
S-695)

Tabled - April 12, 1990, by Senator CLARK of Cumberland.

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

(In Senate, April 12, 1990, REFERRED to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.)

(In House, April 12, 1990, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-1115); "B" (H-1116); "D" (H-1118) AND "E" (H-1119) in NON-CONCURRENCE.)

(In Senate, April 12, 1990, RECEDED. House Amendment "A" (H-1115) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "B" (H-1116) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "D" (H-1118) READ and ADOPTED in concurrence. House Amendment "E" (H-1119) READ and ADOPTED, in concurrence. Under suspension of the Rules, READ A SECOND TIME. Senate Amendment "A" (S-695) READ and ADOPTED.)

On motion by Senator CLARK of Cumberland, Senate Amendment "C" (S-699) READ and ADOPTED.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Help Municipalities with the Costs of Capital Construction to Correct Combined Sewer Overflows"

S.P. 698 L.D. 1836

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-703).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-703) READ and ADOPTED.

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

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$75,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife"

S.P. 741 L.D. 1945

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-702).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-702) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Construction and Improvements Necessary to Continue Marine Research and Public Health Operations at McKown Point in Boothbay Harbor"

S.P. 998 L.D. 2465

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-701).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-701) READ and ADOPTED.

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

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

Senate at Ease

Senate called to order by the President.

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Clean the Environment by the Reduction of Toxics Use, Waste and Release"

S.P. 1011 L.D. 2507

Tabled - April 12, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED
(Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.)

(In Senate, April 12, 1990, under suspension of the Rules, READ TWICE, without Reference to a Committee.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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

JOINT ORDER - Ordering, the Joint Standing Committee on Appropriations and Financial Affairs report out such legislation as it determines necessary to increase the borrowing authority of the University of Maine System.

H.P. 1834

Tabled - April 12, 1990, by Senator PEARSON of Penobscot.

Pending - PASSAGE
(In House, April 12, 1990, READ and PASSED.
(In Senate, April 12, 1990, READ.)

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

Off Record Remarks

On motion by Senator TITCOMB of Cumberland, ADJOURNED until April 13, 1990, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
50th Legislative Day
Friday, April 13, 1990

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

Prayer by Major Walter Douglass, Salvation Army, Augusta.

The Journal of Thursday, April 12, 1990, was read and approved.

Quorum call was held.

COMMUNICATIONS

The following Communication:
MAINE TECHNICAL COLLEGE SYSTEM
Office of the Executive Director
323 State Street
Augusta, Maine 04330

April 9, 1990

The Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit the 1988-1989 Annual Report of the Maine Vocational-Technical Institute System. The report summarizes activities for the period July 1, 1988 to June 30, 1989.

This report marks our fourth year as an independent institution, and a pivotal point in the System's development. As you know, the 114th Legislature recently passed a bill that changed our name to the Maine Technical College System, an important step in our ability to define our role in Maine's education and training community.

Another highlight of the year was the approval of our \$20 million bond issue, which will enable us to make essential capital improvements at our six college campuses. This investment by the people of Maine will ensure our continued growth into the 1990's, and will make us an even more vital resource for our students and local communities.

I hope you will take a moment to review the summaries of highlights of the six campuses, as they illustrate our ongoing commitment to growth and professionalism, whether its through the development of new programs; the acquisition of new and more up-to-date equipment to keep pace with changes in technology; enhancing our links to local communities; or investments in the professional development of staff and faculty.

I hope you agree with me that the Maine Technical College System is in the midst of an exciting period of growth and development. I look forward to working with you to make this System one of the best in the nation.

Sincerely,
S/John Fitzsimmons
Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication:
DEPARTMENT OF CONSERVATION
State House Station 22
Augusta, Maine 04333
April 11, 1990

John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333
Dear Speaker Martin: