

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending REFERENCE.

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

In Senate Chamber
Wednesday
March 2, 1994

Senate called to Order by the President, Dennis L. Dutremble of York.

The Following Communication:

**DEPARTMENT OF LABOR
PO BOX 309
AUGUSTA, ME 04333**

February 28, 1994

Prayer by Reverend Nancy Platt of St. Matthew's Church in Hallowell.

REVEREND NANCY PLATT: All mighty God you have given to this Senate today an opportunity to maintain justice and protect the peace, to care for the hungry, the homeless, and those other people nameless and troubled, whose dignity has been crushed by lack of fortune, education and nurture. Keep them from the temptation of making political statements and resolutions without substance because they are blind to the human need around them, or because they fail to listen to the marginal causes as well as marginal people, or because they have surrounded themselves with business. Where ever in creation they look help them to help you renew, preserve, and cherish the small as well as the great. Honestly, with integrity, without bias and blame. Most of all, help them to help one another, not for what they can get but for what they can give to our common community and state, without regard for the party lines which can divide. For you know, oh Lord, that it is only in unity, without rancor, bitterness and hostility that the work of their deliberations together is fruitful and productive. In the name of one God who creates, makes new, and restores that creation. Amen.

The Honorable Dennis L. Dutremble
President of the Senate
116th Maine Legislature
State House Station #3
Augusta, ME 04333

Dear President Dutremble:

I am pleased to submit the Department of Labor's Annual Report on the Dislocated Worker Benefits (DWB) Program for 1993, in accordance with 26 MRSA section 1196, subsection 2.

If you have any questions or comments about this report, please do not hesitate to contact me.

Sincerely,

S/Charles A. Morrison
Commissioner

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

Senate at Ease

Senate called to order by the President.

Reading of the Journal of Tuesday, March 1, 1994.

SENATE PAPERS

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Funding to Support Maine Energy Policy"
H.P. 1432 L.D. 1957

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED.**

**Pursuant to Statutes
COMMITTEE ON AUDIT AND PROGRAM REVIEW**

Senator **CLEVELAND** for the Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3, chapter 33, ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the Efficiency of the Appointment Process for Occupational or Professional Regulatory Boards"

S.P. 734 L.D. 1960

Be referred to the Committee on **AUDIT & PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 20.

Which Report was **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF REPORT**.

COMMITTEE REPORTS

Senate

Change of Reference

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"
S.P. 356 L.D. 1070

Reported that the same be **REFERRED** to the Committee on **BANKING & INSURANCE**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **BANKING & INSURANCE**.

Sent down for concurrence.

Ought to Pass As Amended

Senator **PINGREE** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Make Modifications to Economic Development Activities" (Emergency)
S.P. 552 L.D. 1576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-422)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-422) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **PARADIS** for the Committee on **TRANSPORTATION** on Bill "An Act to Streamline the Department of Transportation's Permitting Procedure for Aboveground Facilities"
S.P. 678 L.D. 1858

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-421)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-421) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

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

House

Bill "An Act to Provide Adequate Staffing for the Board of Osteopathic Examination and Registration"
H.P. 1331 L.D. 1794

Bill "An Act to Improve the License Renewal Procedure for the Board of Registration in Medicine" (Emergency)
H.P. 1367 L.D. 1850

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

House As Amended

Bill "An Act to Increase the Debt Limit for the Richmond Utilities District" (Emergency)
H.P. 1237 L.D. 1664
(C "A" H-753)

Bill "An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing"
H.P. 1241 L.D. 1668
(C "A" H-750)

Bill "An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms" (Emergency)
H.P. 1335 L.D. 1798
(C "A" H-755)

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

Sent down for concurrence.

Senate

Bill "An Act to Allow the Dissolution of the Maine Capital Corporation"
S.P. 644 L.D. 1803

Bill "An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture"
S.P. 659 L.D. 1827

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses"

S.P. 551 L.D. 1575
(C "A" S-416)

Bill "An Act Regarding the Custody of Remains of Deceased Persons"

S.P. 553 L.D. 1577
(C "A" S-417)

Bill "An Act to Encourage Innovation and Competitiveness by Electric Utilities"

S.P. 618 L.D. 1720
(C "A" S-415)

Bill "An Act to Establish Terms of Appointments for Members of the Maine Education Training and Export Partnership"

S.P. 637 L.D. 1771
(C "A" S-418)

Bill "An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982"

S.P. 646 L.D. 1805
(C "A" S-420)

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the Tabled and Later Assigned (3/1/94) matter:

Bill "An Act Concerning the University of Maine System Scholarship Fund" (Emergency)

H.P. 1421 L.D. 1935

Tabled - March 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **EDUCATION** suggested and **ORDERED PRINTED**.)

(In House, March 1, 1994, referred to the Committee on **TRANSPORTATION**.)

Which was referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned (3/1/94) matter:

Bill "An Act to Identify Laboratories Subject to the Laboratory Certification Program" (Emergency)

S.P. 481 L.D. 1479
(C "A" S-409)

Tabled - February 24, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, February 23, 1994, **READ A SECOND TIME**.)

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

The Chair laid before the Senate the Tabled and Specially Assigned (3/1/94) matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Treasurer of State (Governor's Bill)

S.P. 695 L.D. 1893

Tabled - February 24, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

The Chair laid before the Senate the Tabled and Specially Assigned (3/1/94) matter:

JOINT RESOLUTION - relative to Memorializing the Honorable Representatives Olympia Snowe and Thomas Andrews to Become Cosponsors of House Report 3392, the Safe Drinking Water Act Amendments of 1993
H.P. 1408

Tabled - February 24, 1994, by Senator **BUSTIN** of Kennebec.

Pending - Motion by Senator **ESTY** of Cumberland to **INDEFINITELY POSTPONE** in **NON-CONCURRENCE**

(In Senate, February 23, 1994, **READ**.)

(In House, February 18, 1994, **READ** and **ADOPTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by same Senator to **INDEFINITELY POSTPONE** in **NON-CONCURRENCE**.

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

Bill "An Act to Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts" (Governor's Bill)
S.P. 733 L.D. 1958

Tabled - March 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **EDUCATION** suggested and **ORDERED PRINTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **REFERENCE**.

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

Bill "An Act to Establish Maine Quality Centers" (Governor's Bill)
S.P. 728 L.D. 1949

Tabled - March 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **TAXATION** suggested and **ORDERED PRINTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

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

HOUSE REPORT - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Apportion Districts for the Election of County Commissioners"
H.P. 1285 L.D. 1733

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-741)**

Tabled - March 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In Senate, March 1, 1994, Report **READ**.)

(In House, March 1, 1994, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY HOUSE AMENDMENT "A" (H-758)** thereto.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF REPORT**, in concurrence.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create a Body Politic and Corporate by the Name of Great Diamond Island Village Corporation"
H.P. 1056 L.D. 1408

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-754)**

Minority - **Ought Not to Pass**

Tabled - March 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 1, 1994, Reports **READ**.)

(In House, March 1, 1994, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Last week David Letterman said he was quite sick, he had Olympic Fever, he had Baseball Fever, and he had Cabin Fever, he was quite sick. It seems as though now we have another type of fever, both here in our State and across the nation, Secession Fever. In many towns and cities, and certainly in Portland where I live, and Biddeford where the President lives and serves, and in many other places here in Maine and in New

York, in Statten Island, in sections of California and many places in between, people are talking about secession, breaking up, changing jurisdictions. Certainly this kind of movement is related to movements we have had recently. The tax revolt, Propositions 3 and 2 and 1 and 7 1/2 and so forth. Certainly it comes from our same roots as our concerns for government in general, the tax policy, funding formulas, all of these are related and all of them must be treated together. We are not ready at all in our State to deal with the issues of secession. We have no injections for this fever, we are not prepared at all. We have no standards, one family in any geographical situation can go to a legislator, get that put into the legislative hopper and we are under way with some kind of decision making which has no rules. We have got to stop that. We need to prepare ourselves, first of all for these particular situations where people want to break away and become independent, or break away and join other jurisdictions. The legislature, I believe, is prepared to tackle that in the 117th and I hope they do. I hope they also will tackle the larger problems, the problems that cause people to want to secede, who are willing to go to the great lengths that these islands have and other islands in our area are proceeding on. I hope we will tackle the major issues of how we fund school education, how we share revenues and how our tax policies are structured. Those all need to be done at the same time and until that happens we need no more secession. I certainly encourage you to vote no on the pending motion and to have the courage and fortitude in the future, those of you who return, to tackle these issues. I also hope that you all have a healthy case of Spring Fever soon. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One family requesting such a Bill for secession I don't think would carry a majority vote in any Committee. The people who are the legal residents, that is the voters, signed nearly unanimously. On one island there were only two out of twenty who did not sign that they wanted to have the permission to have an election to determine whether or not they wanted to secede, to leave Portland. I have the signatures here for your perusal if you so wish. 95% of all of the property owners, that is including non-voters, were supportive of this measure. Portland must have been the first city or town to have this so called Secession Fever, for in 1796 on July 4 they seceded from Falmouth and was followed after that by Cumberland from North Yarmouth. We have a very distinguished gentleman from Cumberland who sits on our Committee as well and I would remind him that in 1821 they seceded. Acton from Shapleigh, Yarmouth from North Yarmouth in 1849, Veazie from Bangor and on and on and on. Cape Elizabeth from South Portland in 1895, Stonington from Deer Isle in 1897, Beals from Jonesport in 1925, Ogunquit from Wells, and I remember that debate, in 1980, and recently Long Island. It was not a case in the case of Long Island or the three islands that are requesting permission to vote, not to secede, but to vote on the question, the issue was not taxes as such because the taxes will probably be a wash. It will be a wash to the city of Portland financially. I think the three islands are less than 1% of Portland's tax budget. However, the islands will assume their share of the debt that Portland has and they will do so over a period of 20 years, to replace those monies to the city of Portland.

The basic premise of this Bill is to allow the people self determination. In a democracy the people, as far as I know, still own their own government. All we are are administrators or managers. That's all we are and if we sit down on the job and we don't listen to them in the case of countries or counties or cities or towns, then people decide they will take matters into their own hands. I think the issue here is that people are frustrated and they would like to self determine their future and they would like to do so in conjunction with Long Island if Long Island will have them. That will make a more viable, larger town and I think it can work out well. It has worked out well with Long Island and it has worked out well for Portland. My goodness, from 1796 and they are still here. So I would urge you to support the motion of Ought to Pass and I would remind you that it was a Majority Report. Thank you.

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

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. You might as well get comfortable in your chairs because I don't plan to be brief here. Everyone has always said it is important to be brief when you speak in the Senate but I speak so rarely that I think I will indulge myself today since I do live on an Island and this issue means a lot to me.

Certainly watching what happened in the House I know it is not likely that this debate today will pass and I understand there have been a lot of arguments on both sides and I have tried to listen to them carefully. I think it is important how I feel about living on an island and why I think this is a very different issue. My concern watching the debate in the House yesterday is I think that whole element was missing. When we talk about island secession it is not like everyone else seceding. The first thing I have to say is that life on an island is hard. I know because I live on one. I have visited all of the inhabited islands in the State of Maine and I spent a long time talking to the people of Long Island when they were thinking about seceding. When I come to the legislature, or when I go anywhere, I start every single day that I don't spend the night here on a ferry, on a plane, or on my own boat. Most people who live on an island have to have two cars, one on the mainland and one on the island that they live on. If they want to go the dentist or the doctor or often to buy groceries, you put your car on the ferry and pay extra money. Everything about living on an island is complicated. We can't run to the mall, most of the time the convenience store, if you have a store on your island, closes at 5:00. There is no sort of easy solutions to problems like that.

My daughter, who is a senior in High School, and all of my kids go to school on an island. She only has five kids in her class and we have only twenty students in our high school. Our course offerings are limited. We struggle, on most islands, to keep our schools alive. Everyone in an island community has to participate, whether it be in a bake sale or being an ambulance attendant, because there just aren't that many of us and saying no to anything on an island is considered a kind of disloyalty. In fact moving away is a kind of disloyalty. I know that many of the things I'm saying are also true if you live in Aroostook county or anyplace different or very distant. One thing that is true is that when

you live on an island, if your child is sick, if my child is sick in the middle of the night, I can't get in my car and drive home, it's not a possibility. If it's an icy day or a windy day our ferrys don't go, we are just there. It's a very different kind of place to live.

On the other side I think that I also live in one of the most wonderful communities on the face of the earth and I think that I am very fortunate to do so. I moved to an island when I was about 16 and for the last 22 years I have said how did I get so lucky to live in a town like this. These are very tight knit communities. Every one is carefully watched, we gossip about each other all of the time, we know everything about everybody else. We are brought even closer by the fact that we have to ride on the ferry every day or we all go to the same general store and talk about politics or the weather, which is very important to us because it decides when we will or will not leave. We never take our keys out of our cars, I have never locked my house. I don't even know where the keys to my house are. Our children are constantly being watched by our neighbors and always checked in on. You can feel very safe about raising children in a community like ours. As I said, our schools are very small but I think they tend to be models of the kinds of things in education today that are considered innovative. We have multigrade classrooms, we have interdisciplinary teaching and team teaching, things that we are now looking to in education and saying we ought to do that in our bigger public schools. Our kids get tremendous individual education even though we miss some of the advantages of a bigger school. Probably more important, in my opinion, than anything else in an island community is our ability to govern ourselves. I wrote an essay once on island government and I'm going to read to you a couple of paragraphs out of it. Just be glad I'm not reading the whole essay. "When it comes to being an elected or appointed official, eventually everyone who wants to be involved gets a chance. In fact, the problem is often not how to participate but how not to. Like most small towns we have to fill many of the same positions that a larger town does but from a much smaller pool. Since not everyone wants to take a turn at these roles the field narrows even more. In 1989 in my town there were 52 elected officials and 43 appointed posts in the town. This adds up to 95 out of a population of 330 to pick from and 85 of them are children. That's a big chunk of our population. Of course there is plenty of overlap with people serving in more than one capacity, but 95 town positions is clearly a lot of jobs for a small island town to fill." I end the essay by saying, "In a town this size everyone knows everyone and our lives are woven together in a tight web. When it's time to debate the issues either for or against, you may be arguing against one of your co-workers, your friends, or the person who is installing the new sink in your kitchen. People often reveal opinions or strong feelings that you never knew they had and you may occasionally find yourself arguing with more passion than you realized you felt. The major surprise in a town meeting on an island is that we all recover from whatever lines are drawn and whatever insults are flung. Like siblings who are in the relationship for the long haul we can often survive more heated disagreements than can those who are passing acquaintances. Although grudges do exist here in an island town, some families don't talk to each other for years, we all have a tie and it takes more than a few harsh words to break it."

I have heard a lot of the arguments that Senator Brannigan said today, or that have been heard in the House about this. Some people say these are only summer islands and why should we be allowing them to secede. They are just out of state residents and what do they need this special status for. All of the successful island communities in the State of Maine have very strong ties with summer communities. In our community they pay a major portion of our tax bill, which would happen in this case, and they are often very benevolent and strong parts of our community. We have scholarship funds for our students, they give assistance to our school, they are active participants in our economic development corporation, our medical services. These are benefits that people don't give to a bigger city like Portland because they are not actively engaged in the community. When summer residents are actively engaged in a small island town they care about its future and they care about what will happen. Of course there are the questions about the criteria bill, do we have standards, do we have criteria. State and Local Government is working on a criteria bill and if you all vote against this today then I hope you will vote for the criteria bill and not when that comes up say oh well we can't do this.

I think even more importantly than that, I'm a Democrat, I believe in sticking together and staying in this pool together, but this is the kind of issue I almost can't touch on because I think islands are different. I don't think there is any question, they have distinct geographic boundaries, they have communities that have to hold themselves together in a certain kind of way just to exist. You can't take a ferry to go to a city council meeting because probably you would have to spend the night and couldn't get back. I can't go to the city of Rockland and watch what goes on there, my last ferry leaves at 4:00 and even though these ferrys go a little bit later you are not tied in the same kind of way. The fact is I do not live in Stroudwater or Biddeford Pool, or any of these other places and neither do my friends on Long Island. The debt service, Long Island we know will be paying off debt service for a very long time so it's not as if the community of Portland is not being repaid on this. I think everybody is beginning to understand this is not just the tax issue, it is one half of one percent for the city of Portland. It is not a major impact on the city of Portland and the residents of Long Island did not see a major reduction in their taxes, it's about self government.

The worst thing I have probably heard in this whole argument is can they do it, can island towns govern themselves. There is the rumor going around, I hear it a lot, saying Long Island isn't doing that well in their one year in office. My community has been chartered since April 30, 1789, that's how long the island of North Haven has existed. I have spent 22 years on the island, I have been a tax assessor and on the Planning Board, I have been the Chair of the School Board. I have seen the very divisive town meeting battles that pitted brother against sister, and school budget battles, like most small towns, that went fifty fifty down the line, half the town voting this way and half the town voting that way, and we have been together for over 200 years. So if Long Island is struggling a little bit in its first year it's like every other small town and I think we need to give them a little bit of breathing space. The idea that these towns need Portland for the developments that are going on on Great Diamond, that they need attorneys and high pressured players to keep them going, that's the kind of thing that makes

an islander's blood boil. I have a couple of island in my district of under 50 people and there are a lot of islands in the State of Maine with less than 50 people. They manage to run a school, they maintain a town dump, they dispose of their sewage, they govern themselves. People who live on islands have toughness and determination and are very good at problem solving, just have them in front of your Committee some day and try to argue with them.

In closing I just want to mention that my daughter and I were talking about this a couple of nights ago. You probably saw my daughter Hannah when she was around the Senate all last week, and of course she heard a lot of these arguments as people were discussing this in the halls and on the floor. What she said to me, she is 17 and she has thought a lot about living on an island, she has lived on an island all of her life, she said I can understand why the people in the city of Portland would vote against this, but the Maine Legislature? Isn't this the body that understands the beauty of government and democracy, that all we are asking for is to all sit around the same table representing different interests and come together to work out a solution? She said that's all these islands are asking for. I think too much of this argument characterizes the islands as some kind of greedy communities taking away from Portland or from the school subsidy pool, or from something that belongs to somebody else. What I want to say is why don't we look at it this way, these are communities that are offering to do something for us. They are saying, you know what, we are willing to take on something really hard. We want to govern ourselves, we want to preserve a dying way of life in an era where everything is a shopping mall or school consolidation. I think today there are going to be people who are voting no when really we ought to be saying thank you to these islands. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to speak against the proposed annexation of these three islands in Casco Bay. I must say that I do it with a certain amount of hesitation, I realize that for many the concept of self determination is very very sacred and I am not totally unsympathetic with the plight of the islanders or their desire to secede. I did, after all, vote in favor of the Long Island secession two years ago. It was never my intention at that time to open the flood gates and it certainly was never my intention to participate in the piecemeal dismemberment of the city of Portland. Nor was it my intention to rob Portland of the diversity that makes it such a desirable place to live. When I voted in favor of the Long Island movement two years ago I believed the situation was different. I saw a traditional Maine fishing community down the bay, significantly down the bay, with a significant year round population that was striving to preserve a cherished way of life. Having represented the island of Great Chebeague for nine years, three years on the Town Council and six years in the Legislature, I think I have come to appreciate the island culture. I don't see many parallels between the Long Island situation and the issue that is before us here today. There does not exist on any of these islands a traditional fishing community, a significant year round population. Quite frankly one or two or twenty people to determine the fate of these three islands just doesn't pass my straight face test.

I'd like to read a portion of an ad that was recently in the Portland paper. To give you some idea of just exactly what we are talking about. It was February 6, 1994, a full page ad, multicolor, very expensive, in the middle of the ad it says "What's untouched. Diamond Cove is island living without hassle. Life here is friendly, secure, and intimate. There is plenty to do if you choose. Our restaurant is a unique destination, sort of a gourmet casual by the Bay. Explore the island with the kids, swim in the heated pool or our fresh water pond or even the ocean if you dare. Don't forget the five beaches that ring the island. What's more, take a glimpse into the past." Then continuing on it says, "Diamond Cove is a place to recharge so if this all sounds like too much, don't worry. Know that if you want to just sit on a rock and stare out to sea, it will just be you and a handful of seagulls. Islands are remarkable places to escape the pressures of mainland life." I don't want you to be confused, what we are talking about and what this ad so eloquently speaks to, are vacation communities. Vacation communities who wish to be annexed by Long Island, not to preserve a way of life but to avoid paying what is perceived to be an excessively property tax. These islands are highly desirable places, their desirability is reflected in their land values and their property taxes. I will agree with the islanders that they do not receive a dollars worth of services for every dollar that they pay in taxes. What they are failing to acknowledge however is that the property tax has never been a fee for service proposition. I have three children in the Cumberland school system and I don't pay anywhere near the share of the cost of educating them.

I think that the Legislature should do everything in its ability to help promote regionalization and cooperation collaboration between units throughout the State of Maine and I think by voting for this we would be heading in the wrong direction. I also think that we need to adopt a very comprehensive plan for these secessions because if we don't we are going to be seeing more and more of them. Biddeford Pool comes to mind, Stroudwater, Cousins Island comes to mind, the Northport Village corporation. We had a public hearing on that the other day. They sound like they are ripe for secession. In closing I would ask that you take a look at the long term implications. The good Chairman of the State and Local Government Committee, the Senator from Androscoggin, Senator Berube, spoke of the secession of the town of Cumberland, the town that I live in, back in 1821. Back in 1821 the people in the town of Cumberland seceded for the convenience of the citizens because it was felt that the distance between the population in the town of Cumberland and the center of government, which was in the present town of Yarmouth, was too distant. The distance is no more than five miles and although they seceded and they felt that they had a good reason back then, I propose to you to say that that governmental structure no longer works. The old town of North Yarmouth has been split up into six towns and it is very very expensive to support the local control that those people seceded for back in 1821. Every town has a town manager with a salary of close to \$70,000, every town has a school superintendant with a salary of close to \$70,000. What was reasonable for them in 1821 is not reasonable today and I hope that you will consider the long term implications when you vote today. I hope that you vote to defeat the pending motion. Thank you.

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

Senator **CONLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to express my opinion on this Bill and to differ with my senior Senator from Portland, an individual who I have probably voted with 99% of the time up here. I also rise to take issue with some of the arguments made by the good Senator from Cumberland, Senator Butland and those made by my good colleague from Portland, Senator Brannigan of Cumberland. This is not a Bill which is different in many respects from which the good Senator from Cumberland voted in favor of a couple of years ago, allowing the town of Long Island to be created. The ad which he referred to in the newspaper could easily refer to a couple of places on that very same island which also explodes with a summer population. The real argument for letting these islands go to Long Island, to become a part of that town, falls right in line with the arguments made by the good Senator from Knox. These are islands, they are much different from the city of Portland which has claimed them for so long. I can speak here as a person who grew up in Portland and watched city government for some 30 years in some form or another. I can say to you that if there is one thing I remember about the islands, which I can say about anybody who has lived on an island under the city's tutelage, is that all I ever remember them doing is complaining. Complaining from meeting to meeting. Every single time an islander came to the microphone, whether it was on radio in the old days when it was carried on radio, or when the meetings moved to television thereby expanding their length by some three or four times. All they did was complain, particularly when they had an opportunity to get in front of a camera. I can tell you that the only thing I ever remember being done for the islands was done by Councilor Edward I. Bernstein, the only Republican my household was allowed to vote for growing up, he spearheaded the drive to get the ferry terminal down on the Portland waterfront. I remember talking to him during the next election after he got that terminal, he always lost the islands by a two to one vote, whoever ran against him, which is actually much better than I have ever done out there, but after that ferry terminal was put out there he lost three to one. So I know what these islanders are feeling, the city of Portland cannot do enough for them. We are not equipped to do for them what they need to have done and I can say to you after looking at the latest piece of paper passed out by my good city, whom I am proud to represent but often take issue with the decisions of my leaders, if they spent half as much time working on the problems that those people have on the island instead of lobbying this Bill we probably wouldn't have the Bill. These people have a legitimate gripe. The arguments made by the good Senator who Chairs the State and Local Government Committee about this tax situation is absolutely correct. If anything is going to happen their taxes are probably going to go up because who knows what the fate of this new town of Long Island will be. These people are taking a risk, first to be allowed to vote, which I think we ought to be looking at and trying to protect whenever possible, to vote whether or not to join this other island and to take a risk to go into citizenship with these people to take on common problems and try to solve them together.

It disturbs me that throughout these halls for the past couple of days so much energy has been spent on trying to defeat this Bill instead of on trying to help these people with the problems they have. This issue is not going to go away, it is going to come back. My city lost this fight when they let the town

of Long Island organize two years ago. Once that happens it makes so much more sense for these people to be with those people where maybe they can complain together, but at least they will be together. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **FAILED**.

On motion by the Chair, the Senate **RECONSIDERED** its action whereby it **FAILED TO ACCEPT** of the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

On motion by Senator **BERUBE** of Androscoggin, 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 **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **ACCEPTANCE**.

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 **AMERO**, **BEGLEY**, **BERUBE**, **CAHILL**, **CONLEY**, **FOSTER**, **HANDY**, **LUDWIG**, **LUTHER**, **PINGREE**, **WEBSTER**

NAYS: Senators **BALDACCI**, **BRANNIGAN**, **BUSTIN**, **BUTLAND**, **CAREY**, **CARPENTER**, **CLEVELAND**, **ESTY**, **GOULD**, **HALL**, **HARRIMAN**, **KIEFFER**, **LAWRENCE**, **MARDEN**, **MCCORMICK**, **O'DEA**, **PARADIS**, **PEARSON**, **SUMMERS**, **TITCOMB**, **VOSE**, **THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators **CIANCHETTE**, **HANLEY**

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report
ACCEPTED, in concurrence.

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

Bill "An Act Concerning Summer Work Permits"
(Emergency)

S.P. 725 L.D. 1946

Tabled - March 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE**

(In Senate, March 1, 1994, **PASSED TO BE ENGROSSED.**)

(In House, March 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-775)** in **NON-CONCURRENCE.**)

(In Senate, March 1, 1994, **RECEDED** from **PASSAGE TO BE ENGROSSED.**)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE.**

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **BRANNIGAN** of Cumberland, **ADJOURNED** until Thursday, March 3, 1994, at 9:00 in the morning.