

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

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

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

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

In Senate, March 2, 1994, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416).**

In Senate Chamber
Thursday
March 10, 1994

Comes from the House **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-416) AND HOUSE
AMENDMENT "A" (H-820) in NON-CONCURRENCE.**

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

On motion by Senator **ESTY** of Cumberland, the
Senate **RECEDED** and **CONCURRED**.

Prayer by the Honorable Philip E. Harriman of
Cumberland.

COMMUNICATIONS

SENATOR PHILIP E. HARRIMAN: Good morning.
Please join me in a prayer to your God. God, we are
thankful for every quiet voice that raises itself
against the opposition of the majority. Not in
stormy protest, but simply and quietly saying the
thing it believes, doing the thing it knows to be
right. We are thankful for these voices. Give us
the grace that in our day we may be, each in our own
way, a still, small voice of delight. Amen.

The Following Communication: S.P. 745

116TH MAINE LEGISLATURE

March 8, 1994

Reading of the Journal of Wednesday, March 9, 1994.

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Out of order and under suspension of the Rules,
on motion by Senator **BUSTIN** of Kennebec, the
following Joint Order:

S.P. 746

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Tuesday,
March 22, 1994, at nine o'clock in the morning.

Please be advised that Governor John R. McKernan,
Jr. has nominated Frederick W. Hardy of Farmington
for appointment to the Northeast Interstate Dairy
Compact.

Pursuant to PL 1993, Chapter 274, this nomination
will require review by the Joint Standing Committee
on Agriculture and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was **READ** and **PASSED**.

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

Which was **READ** and referred to the Committee on
AGRICULTURE.

Sent down for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

The Following Communication:

Non-concurrent Matter

**COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Aging, Retirement & Veterans has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1844 An Act to Amend the Maine State Retirement System Laws Relating to Provision of Legal Services
- L.D. 1922 An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bonnie L. Titcomb S/Rep. John Jalbert
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON BANKING AND INSURANCE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking & Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1635 An Act to Authorize a Limited License to Permit Funeral Service Practitioners to Offer Additional Preneed Funeral Service Products
- L.D. 1789 An Act to Allow State-chartered Credit Unions to Make Loans to Service Corporations and to Share Branch Offices

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dale McCormick S/Rep. Edward L. Pineau
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1572 An Act to Exempt Firefighters from the Licensing Requirements of Limited Electricians
- L.D. 1750 An Act to Amend the Labeling Requirement of Containers for the Purpose of Recycling
- L.D. 1786 An Act to Prevent Overcharging on Merchandise

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hoglund
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1889 An Act to Establish the Maine Commission on National Service

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John J. O'Dea S/Rep. Elizabeth H. Mitchell
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy & Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1654 An Act Pertaining to Stage II Vapor Recovery

L.D. 1682 An Act to Provide for Review of Certain Northeast Ozone Transport Commission Activities

L.D. 1813 An Act to Ensure that Wastewater Disposal Systems Comply with New Rules Developed by the Department of Human Services

L.D. 1892 An Act to Establish Reasonably Available Control Technology Standards for Nitrous Oxides

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence S/Rep. John L. Martin
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Housing & Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1399 An Act to Encourage Residential Energy Efficiency

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rochelle M. Pingree S/Rep. Rita B. Melendy
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1629 An Act to Require Disclosure of Corporate Interests in Applications for Public Assistance

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis S/Rep. Sharon Anglin Treat
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON JUDICIARY
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 120 An Act to Cover Employees of the Maine National Guard under the Maine Human Rights Act and the Whistleblowers' Protection Act
- L.D. 293 An Act Regarding Wrongful Death Actions
- L.D. 776 An Act to Repeal Certain Provisions of the Maine Health Security Act
- L.D. 1276 An Act to Improve the Operation of Prelitigation Screening Panels
- L.D. 1709 An Act to Clarify the Assignment of Hotel Revenues as Rent under Maine Law

- L.D. 1748 An Act to Limit the Jurisdiction of the Maine Human Rights Act
- L.D. 1836 An Act to Enhance Criminal Penalties for Hate Crimes
- L.D. 1859 An Act to Allow Police Officers to Prosecute Traffic Infractions
- L.D. 1862 An Act to Prohibit Excessive or Unnecessary Prescription of Drugs or Treatment by Health Care Professionals

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Constance D. Cote
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON LABOR
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1772 An Act to Attain Minimum Occupational Safety and Health Standards in Buildings and on Properties Owned or Leased by the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. James R. Handy S/Rep. Richard P. Ruhlin
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1605 Resolve, Authorizing Glenn Greenlaugh to Sue the State BY REQUEST
- L.D. 1638 An Act to Strengthen Enforcement of Manufactured Housing Warranties
- L.D. 1865 An Act to Reform Financing of Referendum Questions

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey S/Rep. Beverly C. Daggett
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON TAXATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 548 An Act to Reduce the Number of Sales Tax Exemptions
- L.D. 815 An Act to Increase the Stability of the Maine State Income Tax
- L.D. 1834 An Act Regarding Real Estate Transfer Tax

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John E. Baldacci S/Rep. Susan E. Dore
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1811 An Act to Provide for a Disaster Relief Fund
- L.D. 1823 Resolve, Directing the Department of Transportation to Erect Signs Indicating the Bath, Brunswick and Topsham Recreational Area
- L.D. 1935 An Act Concerning the University of Maine System Scholarship Fund
- L.D. 1943 An Act to Permit Railroad Crossings for the Sole Purpose of Accommodating Timber Harvesting Operations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. William B. O'Gara
House Chair

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

SENATE PAPERS

Bill "An Act Relating to Pardons"

S.P. 747 L.D. 1976

Presented by Senator **CONLEY** of Cumberland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on
JUDICIARY and **ORDERED PRINTED.**

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on
Bill "An Act to Redistrict the Knox County Budget
Committee District" (Emergency)

H.P. 1411 L.D. 1921

Reported that the same **Ought to Pass.**

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.

The Bill **READ ONCE.**

The Bill **TOMORROW ASSIGNED FOR SECOND READING.**

The Committee on **STATE & LOCAL GOVERNMENT** on
Resolve, for Laying of the County Taxes and
Authorizing Expenditures of York County for the Year
1994 (Emergency)

H.P. 1444 L.D. 1971

Reported that the same **Ought to Pass,** pursuant
to Joint Order (H.P. 1344).

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

Which Report was **READ** and **ACCEPTED,** in
concurrence.

The Resolve **READ ONCE.**

The Resolve **TOMORROW ASSIGNED FOR SECOND
READING.**

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS**
on Bill "An Act to Establish the Administrative
Operating Budget for the Maine State Retirement
System for the Fiscal Year Ending June 30, 1995"
(Emergency)

H.P. 1332 L.D. 1795

Reported that the same **Ought to Pass as Amended**
by Committee Amendment "A" (H-807).

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-807).**

Which Report was **READ** and **ACCEPTED,** in
concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-807) **READ** and
ADOPTED, in concurrence.

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

The Committee on **AUDIT & PROGRAM REVIEW** on Bill
"An Act Related to Periodic Justification of
Departments and Agencies of State Government under
the Maine Sunset Act" (Emergency)

H.P. 1368 L.D. 1851

Reported that the same **Ought to Pass as Amended**
by Committee Amendment "A" (H-801).

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-801) AS AMENDED
BY HOUSE AMENDMENT "A" (H-817)** thereto.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-801) **READ**.

House Amendment "A" (H-817) to Committee Amendment "A" (H-801) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-801) as Amended by House Amendment "A" (H-817) thereto, **ADOPTED**, in concurrence.

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

The Joint Select Committee on **CORRECTIONS** on Bill "An Act Authorizing Assessments against Income Earned in Prison as Payments to the Victims' Compensation Fund"

H.P. 1250 L.D. 1677

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-802)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-802)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-802) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Exempt Schools from Certain Fees"

H.P. 1287 L.D. 1735

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-797)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-797)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-797) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Expedite Oil Spill Response Activities"

H.P. 1390 L.D. 1888

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-808)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-808)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-808) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Revise Certain Fish and Wildlife Laws" (Governor's Bill) (Emergency)

H.P. 1338 L.D. 1801

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-804)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-804)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-804) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify the Requirements of Disclosure of Information Pertaining to Mentally Disabled Clients"

H.P. 759 L.D. 1026

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-805)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-805)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-805) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish a System of Community Regional Mental Health Boards" (Emergency)

H.P. 1240 L.D. 1667

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-803)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-803) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Encourage the Establishment or Expansion of Certain Residency Programs Relating to Emergency Medicine Physicians"

H.P. 1254 L.D. 1681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-796)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-796) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Extend the Sagadahoc County Budget Advisory Committee"

H.P. 1348 L.D. 1814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-810)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-810) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Repeal the Sunset on Rating Practices in Small Group Health Plans and Individual Health Insurance"

H.P. 1207 L.D. 1615

Reported that the same **Ought to Pass**.

Signed:

Senators:

MCCORMICK of Kennebec
KIEFFER of Aroostook

Representatives:

HALE of Sanford
ERWIN of Rumford
CARLETON of Wells
PINEAU of Jay
RAND of Portland
JOSEPH of Waterville
TOWNSEND of Canaan
TRACY of Rome

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-793)**.

Signed:

Representatives:

KUTASI of Bridgton
CAMPBELL of Holden

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers"
H.P. 193 L.D. 256

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-798).**

Signed:

Senators:

CIANCHETTE of Somerset
LUDWIG of Aroostook

Representatives:

JACQUES of Waterville
GOULD of Greenville
POULIN of Oakland
LORD of Waterboro
ANDERSON of Woodland
MARSH of West Gardiner

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-799).**

Signed:

Senator:

LAWRENCE of York

Representatives:

MITCHELL of Freeport
COLES of Harpswell
CONSTANTINE of Bar Harbor
WENTWORTH of Kennebunkport

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798).**

Which Reports were **READ.**

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

Senate

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act Concerning Health Insurance"

S.P. 582 L.D. 1626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-441).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-441) **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 Allow the Heartwood School of Art to Grant an Associate of Arts Degree"
H.P. 1382 L.D. 1881

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1994 (Emergency)
H.P. 1443 L.D. 1970

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

House As Amended

Bill "An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste" (Emergency)
H.P. 635 L.D. 866
(C "A" H-786)

Bill "An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring" (Governor's Bill) (Emergency)
H.P. 847 L.D. 1152
(H "A" H-812 to C "A" H-791; H "A" H-813)

Bill "An Act to Clarify Permitting Requirements for Cranberry Growing Operations"
H.P. 1267 L.D. 1694
(C "A" H-789)

Bill "An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services"
H.P. 1284 L.D. 1732
(C "A" H-794)

Bill "An Act to Provide Enhanced Enforcement Powers in the Maine Banking Laws" (Emergency)
H.P. 1308 L.D. 1763
(C "A" H-790)

Bill "An Act to Provide an Appropriation for a Federally Funded Hazard Mitigation Program within the Maine Emergency Management Agency" (Emergency)
H.P. 1350 L.D. 1816
(C "A" H-792)

Resolve, to Conduct a Study on Improving Access to the Maine Technical College System
H.P. 1357 L.D. 1832
(C "A" H-788)

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

Bill "An Act to Apportion Districts for the Election of County Commissioners"
H.P. 1285 L.D. 1733
(S "A" S-436 to C "A" H-741)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Award 5 Moose Hunting Permits through Public Auction to Fund Youth Conservation Education Programs" (Governor's Bill)
S.P. 661 L.D. 1829
(C "A" S-437)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

ENACTORS

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

An Act to Encourage Innovation and Competitiveness by Electric Utilities
S.P. 618 L.D. 1720
(C "A" S-415)

An Act Regarding the Discharge of Mortgages
H.P. 1299 L.D. 1754
(C "A" H-765)

An Act to Modify the End Disposal of Sharp Waste Products in the Biohazard Disposal Law
H.P. 1300 L.D. 1755
(C "A" H-763)

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

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

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

An Act Concerning Alewives
H.P. 1323 L.D. 1785
(C "A" H-766)

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

Resolve

Resolve, to Simplify the Schedule of Fees for Licenses Issued by the Department of Inland Fisheries and Wildlife
H.P. 1224 L.D. 1643
(C "A" H-764)

Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project
H.P. 1256 L.D. 1683
(C "A" H-768)

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

Mandate

An Act to Amend the Charter of the Madison Water District
H.P. 1334 L.D. 1797
(C "A" H-760)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards
S.P. 573 L.D. 1617
(H "A" H-781)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No 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.

Emergency Resolve

Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report
H.P. 1298 L.D. 1753
(C "A" H-769)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 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

Senate

Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"
S.P. 620 L.D. 1722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-442).**

Signed:

Senators:

MCCORMICK of Kennebec
CAREY of Kennebec
KIEFFER of Aroostook

Representatives:

PINEAU of Jay
ERWIN of Rumford
CARLETON of Wells
KUTASI of Bridgton
TOWNSEND of Canaan
CAMPBELL of Holden

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

Signed:

Representatives:

HALE of Sanford
TRACY of Rome
RAND of Portland
JOSEPH of Waterville

Which Reports were **READ.**

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

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Enhance the Effectiveness of the Office of the Public Advocate"
S.P. 693 L.D. 1879

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-445).**

Signed:

Senators:

VOSE of Washington
CLEVELAND of Androscoggin
CARPENTER of York

Representatives:

CLARK of Millinocket
HOLT of Bath
ADAMS of Portland
KONTOS of Windham
CASHMAN of Old Town
DONNELLY of Presque Isle
MORRISON of Bangor
TAYLOR of Cumberland

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

Signed:

Representatives:

AIKMAN of Poland
COFFMAN of Old Town

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-445) **READ** and **ADOPTED**.

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

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

Senator **CARPENTER** of York was granted unanimous consent to address the Senate off the Record.

Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

Senator **PARADIS** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

After Recess

Senate called to order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-at-Arms to escort the Senator from Cumberland, Senator **ESTY** to the Rostrum where he assumed the duties as President Pro Tem.

Senate called to Order by the President Pro Tem.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment" (Emergency)

S.P. 625 L.D. 1744

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-438)**.

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-439)**.

Tabled - March 9, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 9, 1994, Reports **READ**.)

Senator **HANDY** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)** Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciated the prayer that was given to us this morning because it talked about a lone voice and I stand here as a lone voice on a minority report for this. Let me simply explain briefly, if I may, everybody on the Committee unanimously agreed to a thirteen week extension with no arguments. It is needed and the people should be getting it, hopefully, shortly. A difficulty came as to how it was to be financed. If I may go back approximately a year the Committee was asked by management to consider an increase to management because the unemployment fund was going down too rapidly. They asked labor if they would compromise and give 25% toward this increase and labor said yes they would. It was told to us that it would be a two year program but as we all know conditions change. Labor came back recently and asked for a 13 week extension or an extension of the unemployment benefits and as I say we unanimously agreed to a 13 week point. The point of the Bill is that it will be fifty fifty. Fifty by labor and fifty by management. My position has been that if management asked labor for 25% a little while ago then I believe that labor should ask management for the same amount of 25%. The reciprocal agreement should be labor 75% and management 25%.

One other point that is often lost in this, the \$5 million that is coming from the Federal government for unemployment is all money from management. It is the fund that was put in for handling just such emergencies as this. I have spoken to members of my caucus and asked them if they wish to support the majority report, and not the minority, for the very fact that I do not want this delayed but I do want a statement made that I would still have preferred the reciprocal. Mr. President, I ask for a Division. Thank you.

Senator **BEGLEY** of Lincoln requested a Division.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Last week the Commissioner of Labor announced that the unemployment rate in Maine was 9.5%. I wish I could bring you good news today to tell you that that rate will be considerably lower in the foreseeable future but unfortunately I am not in a position to do that, in fact in the next year it is unlikely that it will go much below 8%. Just on Monday the State Planning Office announced that Maine's economic growth will be extremely slow in the next decade and will be especially sluggish when it comes to jobs. This means, of course, that we must renew our efforts as we are in this legislative session to pursue economic development strategies that will provide for good jobs for all of Maine's people and we have shown that we are committed to doing that. We must not forget those that to this very day and for the foreseeable future, despite their best efforts, will go without employment in the State of Maine. This Bill is an effort to address the needs of those people, their families and their children, who have the need today to put food on their tables, clothes on their children's backs, and oil in their fuel tank. Each month 2000 Maine families exhaust their unemployment benefits but are still unable to find work. Since February 5, when the Federal benefit extension ended, those families have had nowhere to turn but our already overburdened welfare system. These families do want to work, they don't want welfare, and we owe them much more than that.

Today is March 10, well over 30 days since those federal benefits have been exhausted and families have been trying to make ends meet on a day to day basis. This Bill today will give these families some help, help that they badly need right now. It will provide for one 13 week extension of unemployment benefits that will begin as soon as it becomes law. It would also pump \$10 million directly into the Maine economy in that same period. Dollars that will be spent immediately at local grocery stores, clothing shops and fuel shops. The remainder of that will be supplied, half from the Unemployment Compensation Trust Fund and half from a further five month extension of the freeze of benefits that was agreed to last year. This Bill will also provide relief for both municipal budgets and the State's general fund, since many of these unemployed workers would otherwise have no choice but to turn to our AFDC and general assistance programs for help. So, for all these reasons I ask for your support of the majority report and to join me in voting to pass this legislation quickly. Enact it today and put it on the Governor's desk so it will be signed immediately and they can get the help that is needed for Maine families in Maine's communities.

I'm asking for your support today on the majority report but I have to admit I do it with some regret because I can tell you that I think that this Bill does not offer the degree of help that is absolutely needed by Maine's families. I am the sponsor of this legislation and the Bill that I introduced earlier this year was very different from the one that you see in front of you today. The original one established an extended benefit program that provided protection for unemployed workers and consequently to municipalities, the general fund, and Maine's economy as long as unemployment remained high. Because this economy has not been easy on Maine businesses either, particularly small businesses, the original Bill also offered some modest tax relief for them as well,

thereby reducing the cost of doing business in the State of Maine. Though criticized by some as a sort of a quick knee jerk reaction to the loss of the federal extension that threatens the financial stability of the unemployment trust fund. I had a different view. I'm not ashamed of having that kind of knee jerk reaction when thousands of unemployed Maine families are faced with the loss of unemployment benefits, for many their only source of income. When our unemployment rate hovered over 9% and the temperature dropped to twenty degrees below zero in many parts of the State for days at a time, that is after all what this program is all about, sustaining Maine's families. Furthermore, legislation passed last year to address the solvency of the trust fund has been much more successful than we had expected, producing an end year balance that was five times greater than was estimated. Projections for the coming year have exceeded expectations by an even greater amount. Let me share those figures with you. On December 31, 1993, it was projected that the trust fund would have \$11 million in it as a balance, in actuality it had \$51 million in it. For December 31, 1994, it is projected that there would be a \$1 million balance, the new projection states that there will be \$57 million. I think you can see why I was advocating for two 13 week periods, one to be implemented immediately and one to go into effect next year in January or February, the most difficult time of the year for Maine families.

Nevertheless we were told by those who disagreed with me that this could not be done, or they did not want to do it, so we compromised. When that was not enough we compromised again, and then when that was still not enough we compromised yet again. The Bill in front of you today represents a great many compromises on our part and I regret to say fewer from the other side. Because it is so very important to pass this Bill today, to provide the help that is so badly needed by our constituents, both yours and mine, I have made those compromises so that we can get some immediate help. I can assure you that if the unemployment rate continues to be as high as I expect it will be I hope that L.D. 1 in the 117th Maine Legislature will be a Bill with a similar title to provide relief for Maine families and right now I don't see any other situation and that Bill will have to be in place. I urge your support of the Majority Ought to Pass report. Thank you.

Senator **HANDY** of Androscoggin requested a Roll Call. Less than one-fifth of the members rising, a Roll Call was not in order.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **HANDY** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)** Report.

A Division has been requested.

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.

28 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **HANDY** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-438) **READ..**

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "B" (S-446) to Committee Amendment "A" (S-438) **READ.**

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What little amount there is in this that would fund it for the State workers, this amendment asks for about \$30,000 to be absorbed by the various departments of the State. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-446) to Committee Amendment "A" (S-438) **ADOPTED.**

Committee Amendment "A" (S-438) as Amended by Senate Amendment "B" (S-446) thereto, **ADOPTED.**

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Change the Maine Tort Claims Act Regarding Liability with Respect to Certain Vehicles, Machinery and Equipment" (Governor's Bill)
H.P. 1446 L.D. 1974

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like this tabled if someone would table it for me until later in today's session. Thank you.

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

Bill "An Act to Encourage the Processing of Off-grade Potatoes in Aroostook County"
H.P. 1447 L.D. 1975

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

Which was referred to the Committee on **UTILITIES** and **ORDERED PRINTED,** 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:

Emergency Mandate

An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District

H.P. 1221 L.D. 1640
(H "A" H-752 to C
"A" H-740; S "A"
S-440)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Remove the Sunset Provision from the Limitation on Liability for Recycling Activities by Municipalities and Regional Associations" (Emergency)

S.P. 712 L.D. 1927

Reported that the same **Ought to Pass.**

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

The Bill **READ ONCE.**

The Bill **TOMORROW ASSIGNED FOR SECOND READING.**

ORDERS OF THE DAY

On motion by Senator **BUSTIN** of Kennebec, the Senate removed from the Later Today Assigned Table the following:

Bill "An Act to Change the Maine Tort Claims Act Regarding Liability with Respect to Certain Vehicles, Machinery and Equipment" (Governor's Bill)
H.P. 1446 L.D. 1974

Tabled - March 10, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **REFERENCE**

(In House March 10, 1994, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED.**)

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

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Proposing a Referendum for the Issuance of General Obligation Bonds to Fund Municipal Infrastructure Improvements"
H.P. 1448 L.D. 1977

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1435).

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **COMMITTED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS.**

Which Report was **READ.**

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could you tell me the position of this? Thank you.

THE PRESIDENT PRO TEM: The pending question is acceptance of the Committee Report.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **PEARSON** of Penobscot, the Bill and Accompanying Papers **COMMITTED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**, in concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act to Repeal the Sunset on Rating Practices in Small Group Health Plans and Individual Health Insurance"
H.P. 1207 L.D. 1615

Majority - **Ought to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

Tabled - March 10, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 10, 1994, Reports **READ.**)

(In House, March 9, 1994, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

On motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

The Bill **TOMORROW ASSIGNED FOR SECOND READING.**

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

HOUSE REPORTS - from the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers"
H.P. 193 L.D. 256

Majority - Ought to Pass as Amended by Committee Amendment "B" (H-798)

Minority - Ought to Pass as Amended by Committee Amendment "C" (H-799)

Tabled - March 10, 1994, by Senator ESTY of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 10, 1994, Reports READ.)

(In House, March 9, 1994, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798).)

Senator LAWRENCE of York moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799) Report in NON-CONCURRENCE.

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

Senator LUDWIG: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to ask the Senate to reject the pending motion in order that we may consider the Majority Report of the Energy and Natural Resources Committee. I have been a member of the Energy and Natural Resources Committee for eight years now and obviously was there when we first banned aseptic packages four years ago. The Energy Committee has had a reputation for following the motto "Dirigo" in terms of leading the rest of the nation in environmental issues. Most of the time I have been in favor of this and for the past few years when this issue has come up I have voted against allowing aseptic packages in the State of Maine. However, unlike previous years when other states jumped on the bandwagon because they recognized when we had made a real improvement in environmental policy, no other state has seen fit to ban the juice containers. Over the past summer I spent quite a bit of time thinking about it and when the industry came before us this year I decided that they had proved that the boxes could be recycled and they had come up with a plan which I think makes a lot of sense, and which the majority of the members of the Committee believed should give them the right to have the ban lifted. The group that started meeting contained a number of nationally known companies and they formed a coalition in an effort to provide this legislature with a proposal in order to repeal the ban on these packages. They started meeting early last summer and the proposal that finally made it to the Energy and Natural Resources Committee, I think, is a fair resolution and represents a substantial commitment on the part of the industry. This is what they have agreed to do. Retain a person with experience in the recycling field for the purpose of providing assistance to Maine communities that express an interest in recycling drink boxes through December 1, 1996. They already retained an individual by the name of Jim Gara, who has already made a number of contacts with recyclers. The industry has agreed that the recycling coordinator will work with any community that expresses an interest in undertaking a recycling program. This technical assistance will allow the communities to develop appropriate collection strategies and public education at the community level for recycling the product. An initial report

will be made to the Energy and Natural Resources Committee by February 1, 1995 on these recycling efforts. There are several source reduction environmental benefits attributable to this packaging. In addition to energy conservation achieved through non-refrigeration, transportation, processing and storage, there are consumer benefits to diabetics who often rely on unrefrigerated juice and there are those with special dietary needs who can currently buy unflavored soy milk and rice milk in aseptic containers. Those are the only ones that we have allowed to exist since the ban was established, and it was because there was a real need by a segment of society to have those products.

Most impacted by the unavailability of these packages are school children who used to take them in their lunches and on school trips. I believe it is time to give this industry another opportunity to do business in the State of Maine. I have no doubt that if future Natural Energy and Resources Committees will look at the efforts of the industry and be capable of determining whether or not they have achieved their goals. They have been warned that the ban will be reinstated if they do not perform as promised. I would ask that you vote against the pending motion so that we may pass the Majority vote of the Committee. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. There are few people on the Energy and Natural Resources Committee I respect more than the Senator from Aroostook, Senator Ludwig. She rarely expresses her opinion unless she is certain of what she talks about and on a Committee like Energy and Natural Resources anybody who rarely expresses their opinion certainly wins great approval from the Chair. She and I have been in agreement on this issue in the past. We have both, at times in Committee, voted against the removal of the ban on aseptic packaging. There is a couple of things about this Committee report which you should understand. Both Committee reports, the minority and the majority, lift the ban on aseptic packaging. The difference is the conditions that are placed on the lifting of the ban. The majority report does not place any conditions on aseptic packages coming back into this State. In other words, we bring aseptic packages back into this State, it goes into the waste stream, it doesn't have to meet any of our State recycling goals, it doesn't have to meet any of the good things we have done about recycling in this State. In fact, it would have an advantage over any other type of container. It would have an advantage over juice in bottles, it would have an advantage over carbonated beverages, it would have an advantage over every other beverage. What the minority report seeks to do is create an even playing field within the industry. It says to bring the aseptic packaging back in, and it's not just aseptic packaging we are talking about, we are also talking about the foil packets which are a new item which were not on the market when this ban was first introduced, it says in order to bring these back you have to meet simple, modest recycling goals or you can pay what you do, what the industry pays, on aluminum cans and juice bottles. That is three cents per container to go towards establishing a recycling program for this material in the State of Maine. In fact, we are giving them an advantage other containers don't have. We are not placing them under the bottle bill, so whereas if you are selling apple juice in Maine, if you put it in a glass bottle

you have to be under the bottle bill but if you put it in the juice packs, the aseptic container, under the minority report, the one I am asking you to vote for, all that will happen is either they have to meet the modest recycling goals, which is 10% by 1996, or you pay the same handling fee that you would for the bottle, three cents, but you don't have to have a deposit. It's very simple, it's very straight forward, and I think it is a fair way to deal with this issue. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was the sponsor of not this Bill but another one that has been killed in this Senate, as a lot of my bills are, so this is not my bill but it is an issue that I have been involved in. I rise in opposition to the present motion and in support of the majority report on this bill. I sponsored the bill last session that was blended into this one and therefore, have a deep commitment to this bill's passage as well. Let me take a few moments to put this bill into what I feel is an objective and dispassionate perspective. In 1989 Maine banned aseptic juice boxes because they were made of composite material unseparable by practical means. That's the reason they banned them. The aseptic packaging industry woke up, they began developing technology to separate the composite materials and they began developing markets for the post consumer fibers. In 1991 they had the technology on line and a pilot recycling program in place in one State. They proved that the materials were separable by practical means and they came back to this legislature and asked that the ban be lifted. We turned them down because we wanted to see more than one pilot program in one State. Now here it is 1994, recycling programs are up and running in 22 States, more than 2 million households are recycling both aseptic and polycoated packaging materials. Solid waste streams in those 22 States are being reduced by the efforts begun by the Aseptic Packaging Council that all started when we banned them. I think it's very important to understand the magnitude of the waste stream involved. We presently have, by conservative estimates, over 3000 tons of polycoated paper packaging going into our waste stream. You may not know it but the wax coated cardboard milk cartons of our youth are long gone. They have been replaced by plastic coated cardboard which, unlike its predecessor, does not biodegrade. It sits there in our landfills, and sits and sits and sits, all 3000 tons of it. The industry will sign a service agreement with the Maine State Waste Management Agency which details three points. It details the efforts they will expend to set up recycling of polycoated material in Maine. They have hired a recycling coordinator for the State of Maine. They are laying the groundwork for community programs in communities state wide even as we speak. The Committee Amendment requires the Maine Waste Management Agency to report back in less than one year from now to the Energy and Natural Resources Committee. If the report shows that the industry has not moved as aggressively as they should on recycling polycoated packaging the Committee can require another report the following year. If the industry has reneged on its commitments the Committee can report out legislation reinstating the ban, that's reasonable. At its heyday, liberal estimates put the amount of aseptic packaging in our waste stream at less than 200 tons, which closely corresponds to the ratios experienced nationally. Aseptic packaging doesn't biodegrade either but it can be recycled and

it is being recycled and where it is the added benefit occurs that polycoated milk cartons also get recycled using the exact same process. That's those milk cartons we all use whenever we go to purchase milk.

When we spoke to folks around the country involved with recycling this and other products they were unanimous in their praise of the aseptic packaging industry. The United States Conference of Mayors heartily recommends their programs to their member cities located in States where consumers have the choice to purchase these incredibly convenient and energy efficient packages. Which is, as you know, every single State in the union except one, Maine. The Senior Environmental Advisor for the Conference of Mayors is a strong supporter of the aseptic packaging industries recycling efforts and recounted a time when he was inspecting a bale of polycoated and aseptic packaging material collected at a school in Pittsburg. Aseptic packaging made up less than 5% of the bale, the rest of it was yes, milk cartons. He remembered wondering why is it that the aseptic packaging industry is driving this program. The reason why is that we banned them and that gave them the wake up call they needed to rise to meet their environmental obligations. One other thing that I might bring up at this point in my speech is that when you go into any of the restrooms in the State House the paper that you use their is done with recycled material from yes, juice boxes. The bottom line is juice boxes are a convenient, energy efficient, consumer friendly package available and in wide use in every other State in the union. They are being recycled in 22 States and that number keeps growing. Where they are being recycled they are also causing milk cartons and other polycoated packages to be recycled as well. The whole reason that they ever started to be recycled in the first place was the ban that Maine put on them.

We should be proud. We should declare victory. We should let them come back under the provisions of the Committee amendment that was approved in the House. It is my understanding that if they have to meet what is a much higher standard of recycling, the 10%, the 25%, the 40%, the 50%, the 60% that you have before you on this red paper that is a much higher standard than any other standard for recycling that is set in this State. That is unreasonable and because Maine is a small State and because it wouldn't serve the industry well they probably would not come into the State. That may or may not turn you on but that's the fact. I urge you all to vote for this measure as one that is good for Maine's citizens and good for our environment. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to urge you to vote today against the pending motion and to vote in favor of the majority report. I think that we have an opportunity here to use this bill, the elimination of the ban on aseptic packaging, as an educational tool for children in our schools. It is children taking juice boxes to school in their lunches that would be the biggest users of this packaging. I think it is an opportunity for the Department of Waste Management and the Department of Education to work together to encourage children in our schools to recycle these packages. It can be a learning tool and I think if the two Departments are willing to work together to encourage our schools to do this that there would not need to be a three cent

charge, that we would be recycling most of these products. So I would urge you to please vote for the majority report. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm glad the Senator from Cumberland, Senator Amero, brought up the issue of children and schools. I think most of the recycling efforts in a lot of our communities have been supported very strongly by children in Kindergarten on up. Sometimes they have brought to life for many of us some issues that wouldn't ordinarily come to mind. I have seen nothing but the aseptic packaging trade association target the advertising through children so that it would get to adults, such as their advertising on television which is usually done during children's programming time, and then my daughter Alexis comes to me and says why can't we have that. Once we explain to her that there is no recycling program for such packaging, there is no way for us to control that kind of packaging making its way into our waste stream, she perfectly understands that, just as she and her contemporaries understand the importance of recycling paper, and using both sides, and when both sides of a sheet of paper are not used it goes into a box that is taken to be recycled. I would submit that although children may find this attractive in terms of convenience I think once they get it in their schools they would find out how reprehensible this kind of overpackaging is while we have packaging that is certainly recyclable and we have recycling programs already on line. My real problem with the legislation that comprises the majority report is that there is no stick, there is no way that we can take any side agreement, any letter of commitment faithfully. We have seen it done so many times before where a trade association says we are going to do this or we are going to that and we have seen nothing but ourselves fall flat on our faces and come back to the legislature and grapple with the problem. I would hope that you would support the Senator from York, Senator Lawrence, and his motion and support the minority report. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to request a member of the Committee to answer a question for me. As many of you know this is an issue that has had personal importance to my over the last several years, having Chaired the Energy and Natural Resources Committee and going through a lot of the very early stages when the aseptic industry was here in Maine trying to convince the Committee that they in fact had a recycling program in place that would meet reasonable standards of recycling. So having not been able to participate in that Committee process this year, because I am no longer a member, I would like very much to know if this question can be answered by a member of that Committee. What the accountability piece is going to be under the majority report. How are we going to, as a State, wield the big stick and make sure that those who make a commitment actually are held accountable to the commitment they make for recycling versus what the other piece would be under the minority report. Thank you.

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Titcomb, has posed a question

through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to respond to the question from the Senator from Cumberland, Senator Titcomb. The majority report contains no guarantee that any recycling will occur. During the negotiations there was one company, I believe it was Tetrapak, who signed a letter agreeing to bargain in good faith, to work in good faith with the Maine Waste Management Agency, to establish a recycling program in this State. But there is no guarantee. There is the possibility that if they don't do that then a future legislature could re-enact the ban, but it would take a positive action by the legislature in order to re-enact the ban. The minority report, on the other hand, says that you meet the recycling goals or you get treated as other containers do. You get charged the three cents the same way the juice bottles do, the same way the Coke cans do. In fact, we are giving them a little more preferential treatment in that we are not requiring them to go under the bottle bill. I think when you examine the two alternatives you will see the minority report is a fair treatment of this package coming back into the system. I think it is using economic forces to encourage recycling. I don't think we ought to be giving any type of package preferential treatment in this State.

Just to correct one point that was made earlier about the percentages. The percentages mentioned were 10%, 25%, 40%, 50% and 60%, those are not higher than current recycling programs. In fact, the bottle bill is estimated at picking up 80% of the items that fall under the bottle bill. If we really wanted to do that we could put the juice box, the aseptic container under the bottle bill and we would pick up 80%. This way, in the minority report, we have allowed a much less stringent phase in of a recycling program. I think it is a fair alternative. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to just add a couple of thoughts to the debate process that you may have going on in your minds as you decide to support the minority or the majority report. One of the areas of greatest concern during the time that I was dealing with the aseptic debate was the whole idea of volume, of the amount of waste that could be coming into the State if the aseptic package became a saleable product here in Maine. Very early on we looked at figures of how aseptic packages were being used and they did not seem terribly overwhelming. My very real concern is if this product comes back into the State what is the volume going to be in ten years, in the waste stream, of the aseptic package and what is the cost of that volume going to mean in terms of tax dollars back home where waste products are being paid for. I think we need to look very closely at the numbers that we have before us and the accountability that we have before us. I have no problem with the aseptic industry coming back into Maine and putting a product on the shelves. I do have a problem if that product then becomes a significant portion and a very costly portion of the waste stream if recycling in fact does not take place. It appears to me that the majority report does not hold the industry accountable to any numbers and I would love to take the word of any

industry and depend on good will but things change and industries change and businesses move in when they see an industry growing. Who exactly do we have that word from, if its from one company that's fine if they stay in business and no one else moves in. For this moment I would prefer to see more accountability in the law and therefore I will support the minority report. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to ask you to defeat the pending motion so we can go on and accept the majority report of the Energy and Natural Resources Committee. The reason why I have decided to vote for that report is two fold. The first one is that I think it goes a long way in helping to dispel the reputation Maine has of being anti-business. We tend to do many things to send a message to businesses in other States that Maine is not a very good place to do business. I think this sends a very positive message and says that Maine is very forward in their thinking and if you can prove that technology has caught up, that we will reverse our decisions on some of these environmental regulations. The second area that I am impressed with in this particular legislation is that these juice boxes can only be recycled with the gabled top milk cartons, which means that these gabled top milk carton which currently are not being recycled to a great extent will be taken out of the waste stream. I think this is a reasonable compromise and I would ask for a Division. Thank you.

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First I would like to say this about the Energy and Natural Resources Committee, it has been a real pleasure to serve on a Committee with so many dedicated, responsible people, and I say that with the most sincerity. It's an excellent Committee, they work real hard and they do a real good job. There is a diverse series of opinions about that Committee and it is very healthy discussions that we have and that is the way things should be. I just wanted to commend the Energy and Natural Resources Committee and let you know that it is a real pleasure to serve on it. This issue was debated for a long time. I think most of you know how you are going to vote on this anyway. One of the things that we talked about in the Committee was accountability and we said it's time for us to start trusting and extending our hand to business in this State. The difference in these two reports, in my opinion, is trust. That's all it is, the difference is trust. I feel it is the appropriate thing for us to do, we have a letter of commitment that is a good faith commitment, it is not a binding contract but this company who is leading the charge here has made a commitment in writing that they will make a good faith effort to work at recycling. Nobody else is doing that, nobody is working at that now. This company has said they will. The accountability is the question we are talking about here and I'm telling you I am supporting this because I think it's time that we do extend our hand in trust because it is very basic and very simple. We all talk about jobs, we all talk about how we don't have jobs without business, it's

another message we are sending and I will guarantee you this, that if we don't trust business, there is no way they are going to trust us. Trust is a two way street. This is a very important issue to me. I think this legislature should extend its hand and say we are going to trust you to do this, we are going to hold you accountable, because if you come in here and mess things up we do have the option to shut you down again. I think they know that and I can't picture them getting into this thing with the intention of failing. I urge you to vote against the pending motion and accept the majority report. Thank you.

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

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Again, before this goes to a vote, there are a couple of comments that I would like to put on the Record that have been of great concern to me for the last several years, not just this year. As I said, I have been considerably less active in the debate this year than I have been in the past. I would like to make it very clear that over the last several years when the Energy and Natural Resources Committee dealt with this issue they dealt with this issue with absolute fairness, and evenhandedness and they expected nothing less in return. I would also like to state for the Record, as I did not when this happened a couple of years ago, that at the time that we were doing that, and I would repeat with fairness and even handedness, the industry took it on to print full page advertisements in out of state publications including the New York Times stating that Maine was not a good place to do business. If holding people accountable and if being concerned about bringing what could potentially be a very large portion of a waste stream into our State, and at that time knowing that the tax payers at the local level would have to pay for it, is not being a good business partner then I guess that will have to be. I happen to disagree with that considerably. I, too, have seen a number of different efforts, some very whole heartedly embarked on by the industry to try to figure out a way that this juice pack can get back into Maine. I saw the Energy and Natural Resources Committee very cooperative in that effort. Certainly not trying to be a blockade and again and again it became apparent to the Committee that the things that were being said that would be done were not done. We kept an open mind on that issue and other than this year, if my recollection is correct, the reports of that Committee were unanimous in support, and that is bipartisan unanimous in support of not allowing this industry to come back into the State. I see this year that some people that I also respect very highly have voted opposite from what I will vote today. I understand that there may very well be a lot of this debate that I have not been able to hear first hand and I respect that fully, but I do feel that as we vote on this issue that we be very cautious that when we do open our borders to a product that we do it, not just because someone might say Maine is a good place to do business, which I would like to see be our reputation, but to say that that industry has been accountable and that we have provided a measure that is very clear and direct that holds them accountable. That is not anti-business, I think that is good policy and when I go back home to my towns and they talk to me about what percentage I may well be adding to the waste stream and what that is going

to do to their property taxes I want to tell them that I put in some measure of control to do my best to make sure that that doesn't happen. So with all due respect to both sides of this debate I again would concur with the Senate Chair of that Committee and ask that you support the minority report. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, rise and ask you to defeat the pending motion so that we can go on to accept the majority ought to pass report. I do it for a couple of reasons. Let me say at the onset I hail from a town that I grew up in and still live in and we take a lot of pride in the reputation that we have earned, and we have earned it because we have worked very hard at recycling. We were one of the first to no longer accept Christmas trees into the waste stream. We were one of the first to go out into the neighborhoods and teach people how to compost and we continue to do that to this day. A neighboring town in my district, Freeport, on an initiative started by the children in the school, have banned styrofoam containers in the school system. That was started many years ago and it continues to this day. I could go on, as I'm sure you can, of example of what is going on in the communities of the State about recycling. We have all, as consumers, gotten the message that it is important, it is necessary for our environment for us to reuse, reduce and recycle. As the Senator from Somerset, Senator Cianchette, so eloquently stated, what this bill comes down to is an element of trust. I have had a chance, as I'm sure all of you have, to read the majority and the minority report. I have also had an opportunity, as I'm sure perhaps you have, to read the joint memorandum agreement with the Waste Management Agency, I've had a chance to read the letter from Great Northern Recycling, a company who is interested in taking this project on and in fact indicates that one of the towns in my district is looking at this favorably and wants to participate. All of the reasons that have been spoken to earlier about the opportunity to involve the children in the educational process because, at least in my instance, I have learned a lot more from my children then they have learned from me at this point in time. I mention it because we have failed to recognize that one of the problems that we have in this State with the gabled top milk containers was an existing problem. There was no effort to ban them, or at least if there was it didn't pass. So through the work that has gone on on this issue over the past several years we have found a solution to not one but two problems. Two problems we are solving with this. I think it is an opportunity for this legislature to stand up, number one and say we encourage you, we applaud you, continue. The people who have an interest in this issue on both sides of the issues, after this vote is taken, aren't going to ignore the issue. The legislation before us requires and demands that they come back to the Energy and Natural Resources Committee and be held accountable and if they are not living up to our expectations, your expectations, this legislature, I'm sure, will take the appropriate action. We both want to reach the same destination, it's just a difference of how we are going to take the journey. I hope that you will take the journey by extending an opportunity for people who take the risk of providing jobs in this State, to let them know that we want to work with them and not against them. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just would like to close this debate with a quote from Ronald Reagan, who said "You should always be willing to trust but you should always verify." Thank you.

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

Senator **LUDWIG:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I know everyone wants to go to lunch and I will be very brief but I was very pleased that Senator Harriman, the good Senator from Cumberland, spoke about the milk boxes being included in this mix because that speaks to the concern raised by the former Chairman of Energy and Natural Resources, whom I respect very highly. I was just an incensed as she was the last time this issue came around at the way the industry mishandled it but we are taking additional volume out of the waste stream by combining these boxes with the milk cartons and I think it will make a tremendous difference in volume. The other thing I wanted to say may not seem to you like much of a threat but while we scolded the industry for its past mistake I did say in giving my final approval to this plan that if you do not follow through on this I will be back here in front of this Committee, even if it's in a wheelchair, to insist that the ban be reinstated. Thank you.

The President Pro Tem noted the absence of Senator **O'DEA** of Penobscot, and excused him from today's Roll Call votes.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **LAWRENCE** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799)** 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?

Senator **BUSTIN** of Kennebec who would have voted **NAY** requested and received Leave of the Senate to pair her vote with Senator **DUTREMBLE** of York who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BRANNIGAN, CLEVELAND, CONLEY, HANDY, LAWRENCE, LUTHER, MCCORMICK, PEARSON, PINGREE, TITCOMB, PRESIDENT PRO TEM - DONALD E. ESTY, JR.**

NAYS: Senators **AMERO, BALDACCI, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PARADIS, SUMMERS, VOSE**

ABSENT: Senator **WEBSTER**

EXCUSED: Senator **O'DEA**

PAIRED: Senators BUSTIN, DUTREMBLE

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator having been excused, and 2 Senators having paired their votes and 1 Senator being absent, the motion of Senator LAWRENCE of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799) Report in NON-CONCURRENCE, FAILED.

THE PRESIDENT PRO TEM: The pending question before the Senate is ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report, in concurrence.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report, 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:

Emergency

An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment
S.P. 625 L.D. 1744
(S "B" S-446 to C "A" S-438)

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on BANKING & INSURANCE on Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"
S.P. 620 L.D. 1722

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-442)

Minority - Ought Not to Pass

Tabled - March 10, 1994, by Senator ESTY of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 10, 1994, Reports READ.)

Senator MCCORMICK of Kennebec moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator MCCORMICK: Thank you Mr. President, Ladies and Gentlemen of the Senate. Maine is hiding its light under a bushel basket. We are the second best state in the nation in terms of fiber optics and infrastructure and availability for financial service sector and credit card jobs, and yet we are the second worst state in the nation in terms of our regulatory environment. We have a work force that is 22% more productive than New York's work force, that is some testimony of Dick Malano, President of Key Bank. We have fully digitized switching in this state, we have more miles of fiber optic cable than any other state in the nation and yet almost all of our credit card jobs in the last couple of years have fled out of state. In 1991 Fleet Bank sold their credit card portfolio out of state, Key Bank followed in 1992 and Peoples Heritage in 1993, and now there are only 27,000 credit cards issued in state. There are a million credit cards, estimated, that we Mainer's carry that are from out of state banks. This bill will deregulate our usury laws and do three things. Remove the 18% interest rate cap, allow a late fee which is currently prohibited in Maine and currently allowed in 47 other states, and that late fee will be the lesser of either 5% of the unpaid balance or a maximum of \$10.00 and it will change our interest rate calculation to the balance computation method which is the method used in 99.5% of the other states, and that extra .5% percent are states that use a more rigorous or less consumer friendly interest rate calculation method.

You may wonder why I have chosen to support this bill, I am a big consumer advocate and I did so not without a lot of study and consideration and I made this decision to support this bill and I truly and heartily do because the market place has moved beyond our credit card laws. Will Lund, the Director of the Bureau of Consumer Credit Protection, has for years objected to this bill and just this year took back his objection and testified neither for nor against, testifying about four national federal truth in lending laws that protect consumers. The largest one is the Fair Credit and Charge Card Disclosure Act which mandates that there be a box on every solicitation that you get for a credit card that is easy and simple to read and tells us the interest rate, annual fees, grace periods, etc. of the card that they are trying to sell you. Then there is the Fair Credit Billing Act which gives us rights in resolving bill disputes. Then there is the Fair Credit Reporting Act which impacts how reporting agencies use our credit information and gives us access to that. Lastly there is the Equal Credit Opportunity Act which guarantees all of us equal access to credit. So Mainer's have actually been voting with their feet, by only holding 27,000 in state issued credit cards, which are the only cards that have to abide by our usury laws, and by instead choosing to hold a million out of state issued credit

cards which can abide by whatever credit laws exist in the state from which they are issued. Mainers are choosing not to be protected by our usury laws and currently they are serving only one purpose and that is they are helping jobs leave this state and they are guaranteeing that some of the 35,000 jobs that will be created in the financial services sector in the next three to five years, none of them will come to Maine unless we change this regulatory environment. I urge you to vote for the Majority Ought to Pass Report and I request the yeas and nays. Thank you.

Senator **MCCORMICK** of Kennebec requested a Roll Call.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a lot of problems with this bill. Not least of which is that it takes the cap off the interest rates. When I was a sweet young thing I worked for a loan company and the reasonable rate at that time was 2.5% of the unpaid balance, so that you were going to pay at least 30% on your loan and if you were late with your loan you could pay a lot more. People got into a bind where they would pay and pay and never catch up with their unpaid balance. I have a problem with what this says and I have a problem with the message that it sends. There are things that could have been done to make this bill more palatable to me. The siren call for everything we hear now is jobs, we are told this might bring in 35,000 jobs, and of course it might not. My guess is that the jobs that are going to be created are going to be created in the nation, not in Maine, or maybe even in Malaysia. The other thing that we often hear is that Maine is a business unfriendly state. This is a people's legislature and we are here to protect the interest of the people and business has to work under that protection too. We could sunset this bill, sunset it and see how many jobs it actually does create. I am very concerned at what this bill will do to young people. College students, the first thing that happens when they get into their dorms is they are inundated with offers of credit cards, people who have never had a job, never had any kind of responsibility can suddenly go out and get credit cards. We could put a rider on this and amend it so that students under the age of 21 could not be issued credit cards unless they have the approval of their parents. I have been told, and gently told too, that after all this bill had the consensus of the three members of the Committee and certainly I mean no disrespect to any of the members of the Committee but certainly when we run for office, certainly when I ran for office, I made no promises except that I would always do what I thought was best and in the best interest of my constituents. I didn't say the best interest of my constituents except if three Senators of a Committee all vote the same way. I don't believe in the promise of jobs, I think it is high in the sky. I think the stick that is being used is being used to beat our children into debt and I'm certainly happy to be able to have the chance to be on the Record as such so I thank the good Senator for asking for a Roll Call vote. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was a co-sponsor on this Bill after much consideration. I

believe that this bill really is an economic development bill for the State of Maine. Last year here in this very Senate I supported the creation of an Economic Growth Council which I believe indicates that we are interested in support of economic growth in the State of Maine. My seatmate from Knox, Senator Pingree, is also the co-chairman of our Economic Growth Council and we are attempting to make long term economic growth plans for the State of Maine. I believe that this is the first step toward some actual implementation of the potential for some economic growth in the State of Maine. I don't believe that we as a Committee, certainly I don't promise that this is going to create jobs, but I can promise that it is going to create the opportunity to create jobs. I have seen this in action, I have seen the credit card company, the growth of one particular industry in the State of Virginia, I have a daughter and son-in-law who live in Chesapeake, she started working for this credit card company about three and a half years ago. At that time it was a small start, there were somewhere between 200 and 250 jobs. When we were down there last Thanksgiving that had grown to over 4000 jobs. They aren't minimum wage jobs. At the time she started down there I believe the starting rate was around \$5.80, I don't know what it is today. I just believe that this is the creation of an opportunity, it's not a guarantee, but I do think it is a step in the right direction and I would fully hope that you could support the Ought to Pass Report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I want to address this concept of jobs again. I want jobs for Maine that create a product. Jobs that make their money on interest or jobs that get their money from consumers. We perhaps could have a lot of jobs if we would let the loan companies come back into the State but that is not what we want. I don't want to make the credit cards another function of a loan company. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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, BALDACCI, BEGLEY, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, FOSTER, GOULD, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MCCORMICK, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, PRESIDENT PRO TEM - DONALD E. ESTY, JR.

NAYS: Senators BERUBE, HANDY, LUTHER
ABSENT: Senators DUTREMBLE, HALL, MARDEN, WEBSTER
EXCUSED: Senator O'DEA

27 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator being excused, the motion by Senator MCCORMICK of Kennebec, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-442) READ and ADOPTED.

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

Senate at Ease

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on ENERGY & NATURAL RESOURCES on Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers" H.P. 193 L.D. 256

Majority - Ought to Pass as Amended by Committee Amendment "B" (H-798)

Minority - Ought to Pass as Amended by Committee Amendment "C" (H-799)

Tabled - March 10, 1994, by Senator BUSTIN of Kennebec.

Pending - ACCEPTANCE of Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report, in concurrence

(In Senate, March 10, 1994, Reports READ. ACCEPTANCE of Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799) Report in NON-CONCURRENCE, FAILED.)

(In House, March 9, 1994, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798).)

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-798) READ.

On motion by Senator HANDY of Androscoggin, Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798) READ.

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

Senator HANDY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I first want to thank the members of the Senate for their indulgence in allowing this amendment to be printed and offered today. The amendment before you proposes that this legislation be sunsetted February 1, 1996, thereby enabling a two year period for those in the aseptic container industry to go forward with any recycling plans that they say that they have and that have been suggested to the Committee. I would hope that you would adopt this so that we can go forward and extend that hand and that effort of faith to that community. I hope you will adopt this amendment. Thank you.

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

Senator LUDWIG: Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you will follow your good judgement in the past vote and stay with the majority report and reject the amendment which has just been offered. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator CIANCHETTE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, would ask you to vote against this motion. In Committee we had this issue as a debate and the Committee did not go with this amendment because we felt it would delay the process, that the people who have made the commitment to do this would be very uncomfortable if they were going to make this initial investment and then have it go away in two years. So, it's the other side of the question and it is back to the matter of trust again. The Committee turned this concept down and I hope the Senate will. I would ask for the vote to be taken by the yeas and nays. Thank you.

Senator CIANCHETTE of Somerset requested a Roll Call.

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

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't understand what is wrong with this amendment. I simply don't understand what is wrong with this amendment. It does everything that the majority report wants, which was to give them time to do it, and if they don't do it come back for review they said. This simply says it sunsets it and makes it reviewable automatically if it isn't done. What's the objection? I used to be a member of the Public Utilities Committee and I remember the debates back then centered around cable television and the cable television people said trust us, we'll do what's right. This is not a state issue it is a national issue and should be done in Washington, they ran down to Washington and said this is not a national issue this is a state issue, it should be done in the various states. They kept the ping pong ball going back and forth several times, finally the government in Washington passed a law that we are now under to

bring cable rates down, but they haven't come down. I think it's great to be trusting to some degree but you can't do it in every aspect of our living. This is called protecting Maine's environment and I think that is terribly important. For the life of me I cannot understand what is wrong with this amendment. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the confusion that could be brought to bear with this amendment but I would like to read the amendment to you, the part of it that has the sunset. "Effective February 1, 1996, in a container composed, in whole or in part, of aluminum and plastic or of aluminum and paper in combination where those materials are for practical reasons inseparable. Milk or dairy-derived products in liquid form to which additional flavoring ingredients have been added may not be sold in containers prohibited under this subsection." What this says to the industry who wants to sell their product in here is that automatically on February 1, 1996, they can't do it anymore and they would have to overturn this. With the term limits that have been approved by the voters and with the length of time in years that this bill has been debated you are asking for another five years probably of debate at which time an industry, although I do not believe this industry will come in with this amendment, will have been enticed into the State and then asked to leave the State at a date certain. That is what I find is the difference in this amendment. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I would like to pose a question to anyone who would answer. I notice there is also a fiscal note on this amendment, if that is the case does that mean that if there is no money to fund the fiscal note of \$6500 plus the bill would be dead?

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Perhaps I have not read this as thoroughly as I should have. I would like to pose a question to the Senator from Androscoggin, Senator Handy, is this a sunset if they do not reach that level of recycling? Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. That is the intended effect of the amendment. Thank you.

Senator **CAHILL** of Sagadahoc moved the **INDEFINITE POSTPONEMENT** of Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798).

The same Senator requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798).

A Division has been requested.

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.

15 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CAHILL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798), **PREVAILED**.

Committee Amendment "B" (H-798) **ADOPTED**, in concurrence.

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

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BUSTIN** of Kennebec, **ADJOURNED** until Tuesday, March 22, 1994, at 9:00 in the morning.