

# MAINE STATE LEGISLATURE

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

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**  
April 7, 1994 to April 14, 1994

**SECOND CONFIRMATION SESSION**  
May 11, 1994

**THIRD CONFIRMATION SESSION**  
July 29, 1994

**FOURTH CONFIRMATION SESSION**  
November 14, 1994

**Index to 116<sup>th</sup> Legislative Record**

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

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

In Senate Chamber  
Monday  
April 11, 1994

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

House Paper 1407, Legislative Document 1916, AN ACT to Create a Law Governing Prepared Food Franchise Practices, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

Respectfully,  
S/ Joseph W. Mayo  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Prayer by the Honorable M. Ida Luther of Oxford.

**SENATOR M. IDA LUTHER:** This mornings meditation is taken from Willa Cather's American classic O Pioneers.

"For the first time, perhaps, since that land emerged from the waters of geologic ages, a human face was set toward it with love and yearning. The land seemed beautiful to her, rich and strong and glorious. Her eyes drank in the breadth of it, until her tears blinded her. Then the genius of the divide, the great, free spirit which breathes across it, must have bent lower than it ever bent to a human will before. The history of every country begins in the heart of a man or a woman."

Heavenly Father, though political philosophies divide us, that which unites us is much stronger. We, each of us, truly love this land. We ask your guidance in directing the State of Maine into the 21st century. Amen.

Reading of the Journal of Friday, April 8, 1994.

**COMMUNICATIONS**

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

April 8, 1994

Honorable Joy J. O'Brien  
Secretary of the Senate  
116th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

**SENATE PAPERS**

Bill "An Act Relating to the Definition of Passamaquoddy Indian Territory" S.P. 780 L.D. 2010

Presented by Senator **VOSE** of Washington  
Cosponsored by Senators: **BALDACCI** of Penobscot, **BERUBE** of Androscoggin, **BRANNIGAN** of Cumberland, **CAREY** of Kennebec, **CARPENTER** of York, **CIANCHETTE** of Somerset, **CLEVELAND** of Androscoggin, **CONLEY** of Cumberland, **HALL** of Piscataquis, **LAWRENCE** of York, **MARDEN** of Kennebec, **MCCORMICK** of Kennebec, **O'DEA** of Penobscot, **PEARSON** of Penobscot, **TITCOMB** of Cumberland, Representatives: **BAILEY** of Township 27, **CHONKO** of Topsham, **COTE** of Auburn, **DRISCOLL** of Calais, **GREENLAW** of Standish, **MORRISON** of Bangor, **NADEAU** of Saco, **PARADIS** of Augusta, **POULIOT** of Lewiston, **SULLIVAN** of Bangor, **TOWNSEND** of Eastport, **TUFTS** of Stockton Springs, **VIGUE** of Winslow  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

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

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

Off Record Remarks

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board

H.P. 1434 L.D. 1961  
(H "B" H-1084 to C  
"A" H-861)

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The Following Joint Resolution: H.P. 1486

**JOINT RESOLUTION COMMEMORATING THE BICENTENNIAL OF THE TOWN OF ALNA**

WHEREAS, along the shores of the beautiful Sheepscot River, in the County of Lincoln, lies the Town of Alna; and

WHEREAS, the Town of Alna is truly a treasure of natural beauty, rich in history and tradition; and

WHEREAS, this community, formerly known as New Milford, in 1794 became the 92nd town in the State to be incorporated; and

WHEREAS, the historic development of this community will be celebrated by the good citizens of the Town of Alna during 1994, the bicentennial anniversary of the town; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature now assembled in the Second Regular Session, take this occasion to recognize the residents and officials of the Town of Alna and extend our best wishes as they celebrate this special occasion; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

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

**ENACTORS**

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

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

**ENACTORS**

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

An Act to Authorize Applied Technology Regions to Borrow Funds for Necessary Repairs to Existing Buildings

H.P. 1479 L.D. 2005  
(H "B" H-1082)

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education" (Emergency) (Governor's Bill)

H.P. 1431 L.D. 1956  
(C "A" H-909)

In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-909)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-909) AS AMENDED BY HOUSE AMENDMENT "C" (H-1092)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Clarify Liquor Licensing Authority"

S.P. 614 L.D. 1712  
(H "A" H-933; H "B"  
H-1056 to C "A"  
S-518)

In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENTS "A" (H-933) AND "B" (H-1056)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENTS "A" (H-933), "B" (H-1056) AND "C" (H-1093)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Establish an Ambient Water Toxins Program"

H.P. 1080 L.D. 1446  
(C "A" H-1072)

In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1072)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1072) AS AMENDED BY HOUSE AMENDMENT "A" (H-1091)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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

**ENACTORS**

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

An Act to Clarify Agency Relationships in Real Estate Transactions

S.P. 616 L.D. 1714  
(H "A" H-1036; H  
"C" H-1087 to C "A"  
S-551)

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

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

**ENACTORS**

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

An Act to Ensure Proper Funding of the Department of Environmental Protection

H.P. 1385 L.D. 1884  
(H "A" H-1088; H  
"B" H-1089; H "C"  
H-1090 to C "A"  
H-1076)

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

**Senator PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to take some time on this bill if I could and tell you what is happening with it. First of all I would like to tell you that I support what the bill does but I find problems with the way it is being done. It espouses a cause and a position that I very much favor but the method that is being employed to do it I feel I must explain to the members of the Senate.. This bill, as it is amended, takes money out of the unappropriated surplus and funds positions in the Department of Environmental Protection. The initial request was for 10 positions, the Appropriations Committee gave 6 of those positions. What is contained in the amendment that is attached to this bill is the funding of the remaining 4 positions. I like those positions, it is the method being used that I find to be somewhat questionable. I hope you will follow me through this. Right now at the end of every year we have money that we can't account for yet because all the bills aren't in and all of the money is not paid and we may end up with a surplus, and we usually do. It is an unappropriated surplus and it consists of excess revenues that we didn't know we were going to get, some lapsed balances that may occur and some technical adjustments that might occur in the budget. What we do with that money right now is number one, we created a rainy day fund. If you can think of these as a succession of barrels with spigots running out of the barrel this is what happens. When the money is left over at the end of the year the first thing we do is fill up the rainy day fund in case we have difficulties in the future, which we have had consistently for the last several years. The second thing that we have been doing is putting in money for the property tax relief fund, which has been done away with in the budget. The third thing that happens is we fill up money in the

state contingent account. The fourth thing that we have been doing is reserving money for operating capital in the general fund, and the fifth thing we have done is put money into the loan insurance reserve account. The last thing that we do, this automatically happens, is that we fill up the barrel that is called the TQM account. If you think about this as water coming down and it fills up one barrel and as that fills up it spills into the next barrel and then it spills into the next barrel and spills into the next barrel, while we have now one, two, three, four, five barrels. What this bill does, and it is not a big deal as far as money is concerned, is it moves all the barrels aside except for the rainy day fund, allows the rainy day fund to fill up and then it fills up this barrel that funds the money for the positions in the Department of Environmental Protection. This is obviously a very clever thing to do and it guarantees that you get the second chance at the money that more or less is automatically going to be there. When you don't have any money left in the budget you can move your barrel into the right position and have it fill up. This amendment, which comes from the other body, like I say funds positions that I like but uses a method that I don't like because if this is going to happen now, which it may very well, the next time this legislature meets we will be moving barrels all over the place. Whose barrel is going to get filled up first, pretty soon the Maine Legislature I think is going to be on automatic pilot, you just simply put your barrel in the right position and let it fill up.

I hope that you are as concerned about the method that is being employed in this bill as I am. I feel like I am schizophrenic here because I don't like the method but I like what is happening. So I leave it to your judgement and I ask for a Division. Thank you.

Senator **PEARSON** of Penobscot requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I also picked up on this amendment last week when it came across our desks and it is House Amendment 1089. I encourage you to look at it because those of you who are going to be here next year and the years after that should be very aware of what this amendment does. It is exactly what Senator Pearson said, it is saying that this fund will be taken care of. If we did not have this amendment on the bill what would happen is fee increases would go into effect and that was the Committee amendment out of Energy. I have talked to people on the Energy Committee and that was what they had said to do. I would hope that we could reject House Amendment 1089 and then the Committee amendment would come into effect. Watch for something like this, I haven't seen this done this way and it is a very interesting concept and you should be very aware of anything in the future of this magnitude. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First I want to say how much I appreciate the easy to understand explanation by the good Senator from Penobscot, Senator Pearson. It illustrates a concern that I had when this bill came before us late on Friday night.

Just by way of background, in my district before these parliamentary amendments were put on the bill one of my sewer districts would see their sewer fee go from \$700 to \$6000. I'm not convinced even though the explanation we have heard supposedly covers all those contingencies so that my district won't see a fee increase, I am not convinced that if the money isn't in these various barrels as they have been described that sewer districts in my district and yours will see a fee increase. If that is the case I urge you not to support the pending motion. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate and respect the position of the good Senator from Penobscot, Senator Pearson. Few people know more about the appropriations process here in the State than he does and he is absolutely correct that these are essential positions. This is the Governor's fees bill that we are dealing with here and it is what the Governor wanted to fund the Department of Environmental Protection. If I sat around here and voted against every funding mechanism that I didn't philosophically agree with I would have gone home a long time ago. I have seen funding mechanisms in this legislature that I have not agreed with that we have had to vote for because of the circumstances and this is one. If we want to support the Department of Environmental Protection and we want to prevent these fees from going on you will support this bill as it is. Thank you.

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

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to the good Senator from York in regard to the fee proposal. It was my understanding that the Committee amendment was not put on by the Committee, this was put on in the House. This is not a Committee amendment. Were the members of the Committee aware of this amendment or why didn't they have it in their own amendment? This puzzles me. I also would like to ask the good Senator from York, is there not money in the general fund for part of this proposal? I think these are very important issues to be settled because we certainly did have your Committee amendment and we certainly did take care of your top priorities with general fund money. It was our understanding that that is what you decided and we on the Committee are a little concerned with this coming in last week at the last minute with no member of the Committee coming to me and telling me anything about it. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT.** (Roll Call ordered.)

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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 Encourage Municipal Investment in Local Economic Development Projects

S.P. 647 L.D. 1806  
(C "A" S-468; H "A" H-1077)

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.

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

**ENACTORS**

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (Governor's Bill)

H.P. 1392 L.D. 1890  
(H "C" H-1086 to C "A" H-963)

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

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**ORDERS OF THE DAY**

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

Bill "An Act to Clarify the Jobs and Investment Tax Credit" (Governor's Bill)

S.P. 778 L.D. 2008

Tabled - April 8, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 8, 1994, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.)

(In House, April 8, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee in **NON-CONCURRENCE**.)

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment that is needed for this has not been distributed at this point. I would ask if it could be Tabled until later. Thank you.

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

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

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

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

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On motion by Senator **BEGLEY** of Lincoln, **RECESSED** until 12:30 this afternoon.

After Recess

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

Bill "An Act to Clarify the Jobs and Investment Tax Credit" (Governor's Bill)

S.P. 778 L.D. 2008

Tabled - April 11, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 8, 1994, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.)

(In House, April 8, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee in **NON-CONCURRENCE**.)

On motion by Senator **CAREY** of Kennebec, the Senate **RECEDED** from its action whereby this bill was referred to the Committee on **TAXATION**.

Which was, under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **CAREY** of Kennebec, Senate Amendment "A" (S-615) **READ** and **ADOPTED**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill, now as it is amended, came to our attention last Friday. I think it was the last item on our calendar if I am not mistaken, sometime close to 11:00 at night and it was printed that very same day, sort of running like a dog on fire between the two chambers without anybody really having an opportunity to take a look at what this bill is all about. I would greatly appreciate receiving an explanation from anybody on the Taxation Committee or any other member of the chamber who might be able to explain what this bill is. Thank you.

**THE PRESIDENT:** The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We were able to hold several work sessions and a hearing on this bill, none of which were advertised unfortunately because of the lateness of the hour and the way bills have been flooding in here in the last week. What this bill does is change from 200 to 100 the number of employees that a firm will have to get the jobs credit, the amount they have to spend is \$5 million and we have even put in that they have to have a payroll of those new employees of at least \$700,000. There is a fiscal note which does not affect us and that was the reason why we tried to slow the bill down last Friday, the Committee amendment wipes out everything that was under the bill and then basically rewrites it for the safeguards. There will be 100 jobs, there will be a \$5 million expansion of plant or a new plant and there will be \$700,000 in new payroll coming in. We would realize from that, it is estimated by the Bureau of Taxation, \$300,000 in income tax revenues for this year, 1994 - 1995, and we will not be getting any loss of revenues from the plants being built until the year 1995 - 1996. There will be \$2.6 million that will be lost to us and every year thereafter there will be a loss of \$4.4 million. However, as these proliferate through the state we hope that will be more than offset by the new jobs created. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't know, somehow I just feel like I am not getting the picture here. I have looked at this amendment for the first time, I vaguely recall this section of the law passed some few years ago when a manufacturing firm by the name of Pratt Whitney happened to be in a little trouble down in York County. They were floundering financially and people from that area came to us to try and save those jobs, some 200 jobs down there were being saved at the time, actually there were more. This amendment, as I read it, seems to deal now with 100 jobs and will apply to retail. I don't know, is this specifically designed to apply to one company. Is there one company out there that needs our help? Does this apply to jobs that have been created in the last two years? The way I read this bill, the application section in particular, it looks like somebody could go back as far as 1990. I am very concerned that there is a lot of smoke and mirrors going on here with this bill, that there is money being spent during this fiscal year which we won't have to face up to until somebody files an amended tax return sometime down the line. I think the taxpayers deserve an answer to this question. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just rise to clarify, a little company called Pratt and Whitney down in my district, it was an incentive to get them to move from Connecticut to Maine, not that they were in any financial difficulty at that time. They did employ, at the peak of their employment, about 2000 employees. The strangest part of it is that they did not take advantage of this bill at all. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is not lost on me that in recent times it has been in the newspapers that Hannaford Brothers of Maine has been trying to apply for a tax credit bill that was designed specifically for Pratt Whitney. The tax assessor of this state has ruled that they were not eligible to take advantage of that. Is this bill designed to let them have the advantage of that law? I want to know. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to the Senator from Cumberland, Senator Conley's question, the answer is certainly in the affirmative. Hannaford Brothers is in a situation where it was taking advantage of the tax credit that was written in through Pratt Whitney and L.L. Bean negotiations that went on several years ago, they had applied for the tax credit, over a three year period they were given the tax credit, they were audited three separate times by the State Bureau of Taxation and the State Bureau of Taxation said they were eligible for the credit. Now suddenly in a subsequent audit they are saying no you were not eligible for the credit. The members of the



Committee who sat through several hearings and work sessions on this issue decided as a Committee to write this language tightly enough so that Hannaford could in fact qualify for the credits that it had already received and is now trying to be billed retroactively for. What a unique idea. I think that this is a fair proposal and I hope that we have answered the Senator's question. Thank you.

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

**Senator MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I too have a question. On page 1 of the bill there is a term under definitions called 'excluded investment' which means an investment related to a retail facility. I guess my question is to the Senator from Cumberland, Senator Summers, is not Hannaford Brothers a retail facility? And why would that not be an excluded investment? While I am up I would ask another question which is why in these hard times, when we have no money to even do the necessary things, would we ever spend any of it retroactively? I am open to spending money in a tax credit to provable jobs created in the future but why would we ever give money away to jobs that already happened or didn't happen? Thank you.

**THE PRESIDENT:** The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Baldacci.

**Senator BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate all the discussion about this tax credit legislation. For the members of this Senate this is actually a very good tax policy that the State is proposing. Without addressing the application section at this time, as far as the tax credit policy what is being proposed is that presently it is 200 new jobs that have to be created. The company has to be expending \$5 million of new investment. They are allowed up to \$300,000 in tax credits if they do that, that is the present statute. What is being proposed in this amendment Mr. President and members of the Senate, is that we change that to 100 net new jobs, still \$5 million investment, and increase the tax credit, which hasn't changed since Pratt Whitney was put on the books back in 1978, to \$500,000. The reason this is good tax policy is because we are not going to be trying to attract industry from away to locate in Maine. The policy that is being established here is a policy to reward Maine companies that are here that are expanding. It was too high, it was too unrealistic for them to comply with and the fiscal note reflected that earlier because it was for that once in a lifetime type situation. So what is being proposed is that they have to create 100 new jobs within a 24 month period, not a 12 month period, and there has to be a \$5 million investment. This is a very good bill. It is in particular for a company in Bangor called General Electric that has been there for 25 years and it competing with companies internationally. We were in a position in Bangor to try to attract additional capacity, the company met with the administration a while ago and is saying this type of tax policy is going to make it better for General Electric to expand in Maine. So General Electric has signed to commit to 60 new jobs this year and 140 jobs next year hopefully. So that is an increase in the State of Maine and they are willing to make that commitment because the State of Maine is willing to be pro-business, pro-jobs, pro-economic

development. That was the thing that decided in the State of Maine's favor versus other plants in other parts of this country and elsewhere. Their international business is skyrocketing, they need to have the new plant, equipment, machinery, turbines and things like that. It is very important. There is another company in the southern part of the State, Rainbow Rug Manufacturing Company. There are many other companies who could also comply with this requirement of establishing 100 new jobs, \$5 million of new investment. This is very good tax policy, it is working with Maine firms in expanding and nurturing them and creating real sound economic development policies.

As far as the application process for the reference that was made about the retroactivity, that was part of this legislation that I know probably causes some consternation. I think the important thing is to sort of look beyond the party involved and look beyond in the sense that it is a corner store and they are having problems with the state bureaucracy. You're sitting down with them and they are showing you that they had the audit done this year, they had it done three years ago, and all of a sudden this issue comes out in another audit later on that they shouldn't have even been filing for the tax credit, given the statutory requirements, and they should have been a single tax payer. In order to qualify you have to be a single tax payer, what happened was in this particular company it collectively filed when we went to combined reporting and they qualified. If you strictly went by the letter of the law they did not qualify as a single tax payer because their corporations are separate tax payer identification numbers. It didn't come home to roost until we went to combined reporting. I look beyond that because frankly this particular company could use a lot more public relations than it had been especially in my community of Bangor and what went on there. I had to be bigger than that and look beyond it to the larger issue. If it were another company how would I react to it, that was the other one. They do employ people in warehouses and in corporate headquarters in the state and they are providing economic opportunities here in this state, but basically that is the issue. If it raises more questions Mr. President and members of the Senate, I would defer to table this if there are still more questions and concerns that people have about it. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED, without reference to a Committee in NON-CONCURRENCE.**

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

An Act to Ensure Proper Funding of the Department of Environmental Protection

H.P. 1385 L.D. 1884  
(H "A" H-1088; H "B"  
H-1089; H "C"  
H-1090 to C "A"  
H-1076)

Tabled - April 11, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT** (Roll Call Ordered)

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1076) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1088); "B" (H-1089); and "C" (H-1090)** thereto, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED.**)

Senator **ESTY** of Cumberland requested and received leave of the Senate to withdraw his motion for a Roll Call.

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1076) as amended by House Amendments "A" (H-1088); "B" (H-1089); and "C" (1090) thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "B" (H-1089) to Committee Amendment "A" (H-1076), in concurrence.

On further motion by same Senator, House Amendment "B" (H-1089) to Committee Amendment "A" (H-1076) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Senator **LAWRENCE** of York moved to **INDEFINITELY POSTPONE** Bill and Accompanying papers in **NON-CONCURRENCE.**

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I respect the motion of the Senate Chair of the Energy and Natural Resources Committee. I wish that that would not happen though because there is an appropriation on this bill for \$300,000 for six positions in the Department of Environmental Protection and I think they are needed. I understand also that this is the Governor's bill and it was originally labled to be all imposed on fees and that the Committee felt that that was terribly excessive. The fees would be onerous on the people who had to pay them. I happen to belong to the organization that believe something is better than nothing and I wish that the good Chair would reconsider his motion. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My motion definitely was not emotionally made. After this bill went through the process of the Appropriations Committee the Committee got back together and

discussed this amendment that has been stripped off. It was a 12 - 1 Committee report and in order to get the person who was in the minority to support it this amendment was agreed to. It was agreed to unanimously by the Energy and Natural Resources Committee. By taking this amendment off it does increase the fees and increases the likelihood that fees are going to increase. That is not a unanimous consent of the Energy and Natural Resources Committee and I hope you would Indefinitely Postpone this bill. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to tell fellow members of the Senate that \$300,000 for positions in the Department of Environmental Protection is included in the budget. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Appropriations Committee are very much in favor of the Energy Committee's report. We took their first three priorities which would have been L.D.'s going to the Table. The first one we funded, three positions for \$198,961, that was their first request, first priority, it's in the budget. Their second priority was transfer at federal cost to the general fund 6 positions of \$300,000, we put that in the budget. Their third priority was to establish an ambient water toxin program, 2 positions for \$210,000. In this supplemental budget there is \$708,961 toward the cost of funding DEP programs with general fund monies, no dedicated funds. The reason I ask the question this morning after having done that in the budget, to then come back and want \$184,000 more because it was to cover the loss in federal funding coupled with the increased program cost, I thought was a bit much. We felt with the supplemental budget that that was what we could afford. I don't believe there should be increased costs, I think that budget should have been scrutinized for that extra money and I couldn't understand what the \$184,000 was going toward. I thought it was a terrible precedent to start, when a Committee worked so hard giving the Energy Committee their three top concerns, not letting their bills go to the Table and probably not get funded. We were being lobbied from all sides to give more to education, to give more to AFDC, to give more to everyone and we thought it was fair. That is what I was trying to state this morning. I do not believe that there should be an increase in fees. I think that that is something, because there are no positions here, that is where we are on this bill right now. I don't want to see in years to come a Committee, you can imagine AFDC does not get enough in their accounts, so they come roaring in and say because we didn't get what we wanted in the general fund they will put an amendment on saying after the rainy day fund is filled up the next money goes to AFDC. Believe me that is going to happen if you are not very careful. An amendment will come in at the last minute and here you are doing an end run. I'm sorry but maybe this is a good thing for all of us to be aware of, that is where I am coming from. Thank you.

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

Senator **CIANCHETTE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you understand that if this bill should pass without the amendment that you have just indefinitely postponed, what we would be doing in lieu of that would be raising the fees this next year \$184,000 on a few people that are doing things in the State of Maine. I don't think that's right, the Energy Committee didn't think that was right, the Appropriations Committee felt that they didn't have the money to fund these positions and I certainly understand and appreciate the philosophical concerns the Appropriations Committee has. I am telling you that I think we would be sending a real bad message to increase fees three, four, six, eight or ten fold on some people just to pay for these three positions because the benefit is not for those people that are going to be paying this bill. The benefit is for the people of the State of Maine. If the general fund didn't feel it had the money to fund this, I understand that, but the Committee found a way to fund it and I thought that was the request of the Appropriations Committee that if you find other ways to fund these bills, fine. I didn't think that we were doing anything to offend the Appropriations Committee, hopefully we didn't. I just feel very strongly that we cannot stand by and see fees increased on a few people six, eight and ten fold to pay for this bill. If someone would want to offer an alternative to fund these positions that would not increase fees on these few people then perhaps we could come up with a different solution but just to kill this amendment and pass the bill is absolutely wrong. So if someone can come up with some new strategy on how these positions might be funded without raising fees to an exorbitant extent on a few people in the State of Maine I will go along with it. Otherwise, I would urge you all not to go along with this bad piece of public policy. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I think that we should work. If that budget cannot be cut \$184,000 because of decreases in federal funding and the increase in program costs, we should look at the \$184,000. I think the Energy Committee should come up with either cost or look at it, but I will tell you what is so wrong about doing it the way the amendment does is you are going to be short \$184,000 nine months from now because the 117th Legislature doesn't have the money to continue. This is a one time shot at an unappropriated surplus. So you are going to be back at square one. You bite the bullet now for \$184,000 or the bullet is right in your heart next year because you don't have it. That is my objection and that is the strong point I am making to you. Take the money now, it's right back next year, you're looking for \$184,000. With what we did for the Energy Committee in the budget they're in place. The 117th will have this in place. I say to the members of the Energy Committee if you want it, take the bill back, take the amendment back, and either cut some program costs or do something with that budget and spare yourself the problem. I would have to vote for indefinite postponement and I think that is something that is worth thinking about. Thank you.

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. As I said before, I absolutely understand the need for the

positions and I support the positions. I simply do not want to leave a legacy as I leave of this kind of way of financing these positions because, as the good Senator from Hancock just said, next year you face the problem all over again because you have only funded it once. It ought to be done in a better way without moving all of those barrels that I talked about before. Anybody who wants to can misinterpret what I have to say if they choose to do so, but I want to make it clear, I do believe in those positions, I simply don't believe in the way it is being done. Thank you.

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

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I really want to apologize for what has happened to this bill and I really want to apologize to the people on Appropriations. I never thought we were putting anything over on the Appropriations Committee. It is very true, the Senator from Somerset, Senator Cianchette, and the Senator from Cumberland, Senator Harriman are very right, without this amendment this bill does increase fees so let's just kill it. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **LAWRENCE** of York to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

31 Senators having voted in the affirmative, and 3 Senators having voted in the negative, the motion by Senator **LAWRENCE** of York, to **INDEFINITELY POSTPONE** Bill and Accompanying papers in **NON-CONCURRENCE, PREVAILED**.

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

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

#### Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (Governor's Bill)

H.P. 1392 L.D. 1890  
(H "C" H-1086 to  
C "A" H-963)

Tabled - April 11, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963) AS AMENDED BY HOUSE AMENDMENT "C" (H-1086)** thereto, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED.**)

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

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Off Record Remarks

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On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 3:00 this afternoon.

After Recess

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass  
Pursuant to Statutes**

The Committee on **AUDIT & PROGRAM REVIEW** on Bill "An Act Regarding State Government Evaluation and Justification" (Emergency)

H.P. 1485 L.D. 2011

Reported that the same **Ought to Pass**, pursuant to 3 MRSA, Chapter 33.

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

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

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

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Harness Racing Laws"  
H.P. 1243 L.D. 1670  
(H "D" H-1003; H  
"E" H-1007 to C "A"  
H-948)

In House, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED BY HOUSE AMENDMENTS "C" (H-999), "D" (H-1003) AND "E" (H-1007)** thereto.

In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1003) AND "E" (H-1007)** thereto, in **NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1003) AND "F" (H-1095)** thereto, in **NON-CONCURRENCE.**

Senator **TITCOMB** of Cumberland moved that the Senate **RECEDE** and **CONCUR.**

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you would oppose the motion to Recede and Concur. This bill, as it has been amended, does not provide for the equity in the harness racing industry, in the off track betting industry, or in the State of Maine. This is a major departure from the policy that this legislature set not six months ago, and why, because of the influence of one major entity in southern Maine by the name of Joe Ritchie and Scarborough Downs. To suggest that this bill provides a fair standard is absolutely ludicrous. It changes the rules in the middle of the game when thousands upon thousands of dollars have been invested by the off track betting industry that is a burgeoning industry in this state, to the exclusive advantage of Mr. Ritchie and Scarborough Downs, make no mistake about it. It is crystal clear. Many of you have received a letter from the Harness Racing Industry, a letter that I didn't receive but which was passed on to me, I'm sure you don't let your opponents know what your course of action is, but clearly, even in their letter they don't want anyone from Lewiston to be given a fair chance of expanding a business but it is okay if Mr. Ritchie does. Men and women of the Senate, I think if for no other reason this bill ought to be defeated and not see the light of day for the single simple reason of basic decency and basic fairness. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill is about an issue, it is not about an individual. I think it is highly inappropriate to be referencing individuals when the issue is about public policy, when we have on our desks literature from the Maine Harness Horseman's Association which is the very heart of the harness racing industry, when we have on our desks a letter from the Maine Agricultural Fair Association urging your support of this bill. This hardly has anything to do with an individual. If

Scarboro Downs were owned by Barney it would make no difference. This is an appropriate piece of legislation. I encourage you, based on the merits, the fact that we have been trying for a number of years to restructure and rebuild and reinforce the very people that make up a healthy, rich harness racing industry, for that reason I ask your support on the motion to Recede and Concur and for no other reason. Thank you.

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I oppose this bill and I was on the Agriculture Committee that listened to the arguments both ways. They came out with supposedly a fairly good program that allowed the various off track betting parlors to have 35 miles that they would control as to whether there would be any more or not. This rule was passed early in the game. The OTB's that have opened have been very successful. There was a big question of whether they would make it in the State of Maine, it appears very evident that they are going to. I feel very strongly that it would be wrong right now to change the rules that the OTB's have started to open, the one in Lewiston, the one in Waterville, they have one in Bangor, and satisfy the friction between Lewiston and Scarboro, I think it would be a big mistake to change the rules in the middle of the game. If it does not work out then next year have a study committee and correct it, but don't do it now. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would say that if we do not pass this bill we will be feeding into the friction between individuals in this issue rather than looking at the big picture as the public policy issue. I would ask when the vote is taken that it be taken by the yeas and nays. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **TITCOMB** of Cumberland to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI, BEGLEY, BRANNIGAN, CAHILL, CAREY, CONLEY, ESTY, FOSTER, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

**NAYS:** Senators **AMERO, BERUBE, BUTLAND, CARPENTER, CIANCHETTE, CLEVELAND, GOULD, HANDY, LUDWIG, MARDEN, PARADIS**

**ABSENT:** Senator **BUSTIN**

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **TITCOMB** of Cumberland, to **RECEDE** and **CONCUR**, **PREVAILED**.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Regarding the Inspection of Maine Potatoes"

H.P. 1273 L.D. 1717  
(S "A" S-589 to C  
"A" H-1059)

In House, April 7, 1994, **PASSED TO BE ENACTED**.

In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1059) AS AMENDED BY SENATE AMENDMENT "A" (S-589) thereto, in NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1059) AS AMENDED BY HOUSE AMENDMENT "A" (H-1096) thereto, in NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Senate at Ease

Senate called to order by the President.

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

**ENACTORS**

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

An Act to Establish an Ambient Water Toxics Program

H.P. 1080 L.D. 1446  
(H "A" H-1091 to C  
"A" H-1072)

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

An Act to Clarify the Licensing Authority of the Department of Public Safety

S.P. 614 L.D. 1712  
(H "A" H-933; H "B"  
H-1056; H "C"  
H-1093 to C "A"  
S-518)

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

An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State

S.P. 655 L.D. 1824  
(C "A" S-508)

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

**Emergency**

An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education (Governor's Bill)

H.P. 1431 L.D. 1956  
(H "C" H-1092 to C  
"A" H-909)

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Establish the Project Opportunity Demonstration Program" (Governor's Bill) (Emergency)

S.P. 729 L.D. 1950

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-613)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-613) **READ**.

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "A" (S-626) to Committee Amendment "A" (S-613) **READ** and **ADOPTED**.

Committee Amendment "A" (S-613) as Amended by Senate Amendment "A" (S-626) 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.

**ORDERS OF THE DAY**

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

An Act to Clarify Agency Relationships in Real Estate Transactions

S.P. 616 L.D. 1714  
(H "A" H-1036; H "C"  
H-1087 to C "A"  
S-551)

Tabled - April 11, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1036) AND "C" (H-1087)** thereto, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED**.)

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

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (Governor's Bill)

H.P. 1392 L.D. 1890  
(H "C" H-1086 to  
C "A" H-963)

Tabled - April 11, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963) AS AMENDED BY HOUSE AMENDMENT "C" (H-1086)** thereto, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED.**)

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

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Off Record Remarks

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On motion by Senator **FOSTER** of Hancock, **ADJOURNED** until Tuesday, April 11, 1994, at 9:00 in the morning.