

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 116th Legislative Record

HOUSE AND SENATE LEGISLATIVE SENTIMENTS

Divided Report

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

In Senate Chamber
Tuesday
April 12, 1994

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

Prayer by the Honorable Richard J. Carey of Kennebec.

SENATOR RICHARD J. CAREY: Thank you Mr. President, Senators and guests, good mid-morning. Let us pray. Lord, you have again given us a day in which to do your work here on earth. Guide us through our deliberations on the varied matters we take up during these trying times of great need and little money. Give us the wisdom to do the most good with which we have. We ask these things in your name. Amen.

Reading of the Journal of Monday, April 11, 1994.

SENATE PAPERS

Bill "An Act to Continue the Maine Health Program"
S.P. 781 L.D. 2012

Presented by President **DUTREMBLE** of York
Cosponsored by Senators: **BALDACCI** of Penobscot,
HARRIMAN of Cumberland, **TITCOMB** of
Cumberland, Representatives: **BRUNO** of Raymond,
GEAN of Alfred, **GWADOSKY** of Fairfield, **RYDELL** of
Brunswick, **TARDY** of Palmyra, **TREAT** of Gardiner
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**
suggested and **ORDERED PRINTED**.

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

COMMITTEE REPORTS

House

The Majority of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Governor's Bill) (Emergency)

H.P. 1306 L.D. 1761

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1081)**.

Signed:

Senators:

PEARSON of Penobscot
TITCOMB of Cumberland
FOSTER of Hancock

Representatives:

CARROLL of Gray
HICHBORN of LaGrange
REED of Falmouth
MICHAUD of East Millinocket
KERR of Old Orchard Beach
POULIOT of Lewiston
CHONKO of Topsham
FOSS of Yarmouth
MACBRIDE of Presque Isle

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

Signed:

Representative:

RYDELL of Brunswick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1100); "E" (H-1101); AND "F" (H-1102)** thereto.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1081) **READ**.

House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) **READ**.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) 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 think I need to explain which amendments we are on so that people will understand where we are at. This is called the Municipal Property Tax Relief Fund.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My understanding of this is that this does nothing in terms of unbalancing the budget. It removes no money. It merely keeps language that allows us to retain the property tax relief program which is definitely a good thing and so I see no reason why we shouldn't retain House Amendment "D" and I ask for a roll call.

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

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is one of three amendments that were placed upon the Supplemental Budget in the other body and frankly this is the one that I have the most difficulty indefinitely postponing because it is attractive. What it does, if you remember the illustration I gave you the other day about the barrels and filling it up as you have money left over from lapsed balances or whatever at the end of the year, this is one of those barrels that provides money for property tax relief after the Rainy Day Fund and in that series of four or five barrels that were in a line. In and of itself, there isn't much wrong with this. The reason that we voted in our Committee to do away with it was because it was put into effect in 1989 and never gave any money to any municipality at all until last year and at that time gave a very minimal amount of money in property tax relief to any given town. It was done on the basis of population, as my recollection. The Committee that I serve on was under some fear that communities, once they receive money from this because there had been a growing amount of money, is that they would program that into the budget and believe that every year they would automatically get that same amount of money and nothing less than that and probably some more. That's not the case. There are only so many of these barrels that I think that we ought to place and I move the indefinite postponement of this. I don't think it's any really enormous big deal and if I were to fail, I guess, life would go on. It's not all that it's cracked up to be because towns will still get municipal revenue sharing and they still will get help with general assistance, this is something on top of that and just leave it up to the body and decide what they want to do with this. This particular amendment was sponsored by an individual for whom I have the very highest regard, who is a municipal official himself.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular amendment has great appeal to me as someone who before having the honor of serving here in the Senate, served on a municipal government for five years and experienced many of the so-called mandates that this Legislature passed on to municipalities. My concern is that this morning I've still not received a clear answer that if this amendment is not indefinitely postponed, there is a concern that other things in the budget - the FAME guarantee ceiling, the quality centers, the Governor's Contingency Account and a few others that I've lost recollection of at the moment, may not be funded. On one hand I'm told that this property tax amendment won't affect

the budget, that it will come in after those items and I'm also being told that they will affect them. I would respectfully pose a question through the Chair, Mr. President, if anyone can help clarify that for me. Thank you.

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) in **NON-CONCURRENCE**.

House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) **ADOPTED**, in concurrence.

House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) **READ**.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) in **NON-CONCURRENCE**.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. House Amendment "E" takes \$950,000 from the reading readiness program and places it in the General Purpose Aid to Education. Certainly, I believe the reading readiness program is probably an excellent program when we have inadequate money to fund the basics in education through the General Purpose Aid, I think that is a higher priority and I hope that you would vote against the indefinite postponement and I would ask for the yeas and nays when the vote is taken.

On motion by Senator **CLEVELAND** of Androscoggin, 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 Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reading recovery program has been advanced as one of the main causes espoused by the Governor of the state. This amendment will essentially gut that program and I don't think that is a wise thing for us to do. Not a wise thing for us to do not only educationally but politically.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Education Committee spent a fair amount of time looking at the Reading Recovery Program and while there were varying levels of support for it around the Committee, it is one initiative that has been fairly successful in some places and I would urge that we keep this in the budget at least for the time being.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. A point of parliamentary inquiry. I believe the Senator from Androscoggin, Senator Cleveland, requested the yeas and nays.

Senator **CLEVELAND** of Androscoggin, requested and received Leave of the Senate to withdraw his motion for a Roll Call.

On motion by Senator **HARRIMAN** 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 **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CONLEY, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators CIANCHETTE, CLEVELAND, HANDY, MCCORMICK

ABSENT: Senators None

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, with No Senators being absent, the motion by Senator **PEARSON** of Penobscot, to **INDEFINITELY POSTPONE** House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) in **NON-CONCURRENCE, PREVAILED**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "H" (S-627) to Committee Amendment "A" (H-1081) **READ**.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Amendment has two parts to it. The first one deals with the SAD that includes the town of Bridgton and I think it was SAD 61. SAD 61 found itself in a difficult

situation. They had put on five secretaries in the whole SAD and put them under Social Security inaccurately. Those secretaries went through some process where they appealed their placing on Social Security and it was found they should have been on Maine State Retirement. They had had a succession of Superintendents and nobody had quite caught this so the administration came to us and said they wanted to pay the money that was necessary to pay back Maine State Retirement. We agreed that we would pay \$70,000 some odd dollars that was necessary to pay for them to be on Maine State Retirement but then did not agree to pay the interest on it. We said it was not our mistake. It was their mistake so they should pay the interest. The way the budget came out, they would have had to pay back that \$110,000 in the next two months so this Amendment spreads it out over a year so that it won't impact them all of a sudden. That's the first part of the Amendment. The second part has to do with the Atlantic State Fisheries which was attached to this Amendment and which I hope someone on the Marine Resources Committee will explain to the Senate.

On further motion by same Senator, Senate Amendment "H" (S-627) to Committee Amendment "A" (H-1081) **ADOPTED**.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "I" (S-628) to Committee Amendment "A" (H-1081) **READ**.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a provision that allows the Legislative Council to decide the salary range and remuneration of the Assistant Secretary of the Senate and the Assistant Clerk of the House. Right now they are in statute, there is no other way to change it, and they are one of the very few things in personnel that are in statute and it was thought that they ought to decide in the Legislative Council like they do for almost everything else.

On further motion by same Senator, Senate Amendment "I" (S-628) to Committee Amendment "A" (H-1081) **ADOPTED**.

On motion by Senator **HANLEY** of Oxford, Senate Amendment "F" (S-619) to Committee Amendment "A" (H-1081) **READ**.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-619) to Committee Amendment "A" (H-1081).

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 read this particular amendment it calls for a reduction in the Legislative account of \$725,000 and it accomplishes

this, at least partially maybe even fully, by reducing the salary of Legislators and the shortening of the session. It also, as I read it, requires that there be no sessions on Fridays, except for the last four Fridays of the year and it moves the first session from ending, which is now in June, to mid April. The second session from mid April to the first week in March. I am a Legislator who is now departing this body. I'd like to think I have earned the amount of money I have received. I know that you do. It is not very much money and I know that many of the people who have gone out recruiting candidates have found through the years, Republicans and Democrats alike, people say "I'd love to serve but I really can't afford to do that". It's bad enough as it is now, this would make it worse and I don't see how you can shorten this session effectively and do the people's work in this state and for those reasons I move the indefinite postponement of this and I ask for a division.

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

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the comments of the good Senator from Penobscot but would point out what the amendment in front of you exactly it would do. Yes, it would take \$725,000 from the Legislature's account and put that directly into General Purpose Aid for Education. This bill mirrors bills that I have put in before as far as to retain Maine's citizen Legislature. Pete Marwick, when they conducted the study of this Legislature, stated that we were well on the road to becoming a professional Legislature. I have given this speech in both chambers now of my very strong feelings that we do not use our time here in Augusta in the most appropriate fashion. Case in point, the number of bills which are presented to the Legislature in January but which do not have a hearing or work session until well into the Legislative process. One of the important points of this proposed amendment is to move the cloture date up one month from the point of time you are elected to serve in the Maine Legislature you are afforded the opportunity to put together your Legislative package, as it were. Members on the other side of the aisle have publicly chastised the Governor for having bills put in in a tardy fashion. I argue to this chamber that if you're out on the campaign trail and you're talking to your constituents and you're saying this is why I am running, these are the things I would like to change. You should have a pretty good idea, come election day, what bills you want to submit. If we move the cloture date up to that first Tuesday in December and we give the Revisor's office an entire month rather than the short week or two weeks now that we provide them to start drafting those bills then come January we can start working full time. Men and women of the Senate, it is no secret if you take a look at the work schedule of this body that the months of January and February start out very slow. Maybe there is an indoctrination period there that has been granted over time. I would argue if we are setting priorities here in the Chamber my priority is to put the onus on the Legislature to operate more efficiently, more effectively and send that money back to the schools which are hard hit now.

Pete Marwick, in their studies, said there were changes that can be made to make this process more efficient. One of the best aspects of this

amendment, not only that it will put more money back into education, is it will attract more candidates to run for office. If we give people a schedule in which they can work and commit themselves to, yes, if I'm out by this date, I can continue my job rather than well, we're not really sure, we are going to give you dribs and drabs of time in January and February, March but we are not really sure when this process is going to end and not a strict schedule, that is the number one complaint I hear from people that when I talk to them and say "why don't you run for the Legislature, why don't you get involved in the process, why don't you actually see what goes on up in Augusta". They said if you could give me a schedule in which I could work and let them know that - we were scheduled to come in here at 9 o'clock this morning and we did not come in until close to quarter of eleven. There are a lot of deficiencies in this place and I for one would be willing if we could take less time to spend up here, do our work in an efficient manner, then to have a commensurate pay decrease because of the amount of time needed to be spent in Augusta. If we truly are a citizen's Legislature and if we truly have jobs outside of this place, then if we have more time at home, the relative salary decrease should be offset by having more time at home. More time to work in your respective field, at your respective job. Make no mistake about this, men and women of the Senate, this is setting priorities. Do you want to make the commitment in this chamber to the kids of the State of Maine and the schools which are being hard hit? Do they not deserve the \$725,000 included in this bill. I think they do. I would argue that you do, if you give thought on this measure, and will vote against the pending motion to indefinitely postpone. Men and women of the Senate, if you are truly concerned about the level of educational funding here in the State of Maine, there are a number of amendments I have proposed which will make dramatic savings and pump dramatic dollars into the General Purpose Aid to Education. I have set priorities for myself and my district. My constituents elected me to make these priorities. I am setting them. These amendments that I am proposing set these priorities for me and what I think the priorities of my constituents are. Mr. President, I request a roll call.

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

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I couldn't let this opportunity go by without making just a couple of brief comments. Frankly, this very same environment last year, right around this same time in the budgeting process, almost brought me to my feet and I passed on it. This time I am not going to pass on it. One of the most profound statements that I just heard from the good Senator from Oxford, Senator Hanley, was the comment about getting involved in the process and probably there is no comment that is more meaningful to any of the people back home, nor to any of the people up here in Augusta, than that very real marching order of getting involved in the process. If I were in a classroom right now, back in the days when I was a teacher, I would probably ask the children in my classroom, those of them especially who are most concerned about how we got to where we are, how many times they actually had come in and participated actively in the process in the

Appropriation's room process. Frankly, some of the people that I could see in this room, if it were my classroom, you could count the number on one hand. So it's very easy to talk about us getting involved in the process when frankly there really is some criticism for those people who think we should be in here and starting at 9 o'clock in the morning when there are many people in here very involved in a process of amendments and reviewing amendments that have been already been put on the calendar, writing amendments to try to make the process better and to try to make the end product, which is our budget, better. So I think the issue of starting at 9 o'clock and getting it done is far less important than what we get done. I guess my comment to everyone would be we each contribute in different ways. Being here and being involved, whatever their contribution is, is very important and it doesn't matter if it's 9 o'clock that we start or 11 o'clock that we start, as long as we've contributed something positive that we will act upon.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Oxford, Senator Hanley, spoke about us being able to get out of here by the first Wednesday in March, which would put the date no later than March 7th and he tried to take some of the responsibilities for us still being here away from the Governor's office. I'd like to point out to him that two days after we would have been gone, the Governor submitted his school financing act of 1994 to the Revisor's office. It wasn't even ready to come up to us then. On the 31st of March the Revisor's office put out a bill that was the Governor's bill that I just spoke about. On the 31st of March, some three and a half weeks after we should have been out of here, the Governor submitted a bill to establish a catastrophic health expense program, an act to encourage electric rate stabilization something that was well under way before he got involved and on the 5th of April, which would be a month after we're gone, he submitted an examination of school finance and tax proposals. I would ask the gentleman from Oxford who would be submitted those things to?

THE PRESIDENT: The Chair would remind the members that we are talking about Senate Amendment "F". The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To answer the good question of the Senator from Kennebec, Senator Carey, I make no apologies whatsoever for the Governor presently sitting on the second floor. Whether that Governor be a member of my party, the opposing party or independent party, green party, brown party, blue party, whatever, the answer to your question would be is if we aren't around after March 1st, the Governor would be out of luck and any legislation would just have to wait until later. In fact, in reading through the Constitution, it's kind of a scary thing when you actually take a look at the Constitution and what it says, it says that the second session of the Legislature shall be restricted to emergency legislation and matters of finance. Members of the Senate, I could run through and we could have a really interesting conversation for me to read through the bills that have been approved by the Legislative Council that have continued our parade, charade, what have you under the emergency covenance of Maine's Constitution. I don't think

anyone in the chamber would dispute that there are items that we are dealing with which were non-emergency and which should have been sent onward to the 117th Legislature. While I am on my feet I have one last comment, the Senator from Cumberland, Senator Titcomb, stated you have to be involved in the process. You have to be present down there in the Appropriation's Committee room. I guess I have some concerns, taking a look at the makeup of the Appropriation's Committee and having a 9/4 split on that Committee, which is not reflective of the numbers here in the Legislature, whether in fact there is representative representation on the Appropriation's Committee. It's much like sending Daniel into the lion's den. To put forward initiatives to just have them just thrown back at you. This is the point where every Legislator can have their fair say and not be personally accosted in the process. I've been down in the Appropriation's Committee before and have put forth proposals which were laughed at by members of the Committee sitting around the room and I don't care if you disagree with the public policy position that I take but I should be afforded the same respect that every other member of this chamber, who was elected by their constituents, is afforded.

Off Record Remarks

THE PRESIDENT: The Chair would again remind the members that we are on Senate Amendment "F". Discussion should be relevant to Senate Amendment "F". The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACC:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It's going to be a long day and I had trepidations about getting up and making it an even longer day, but I cannot sit back after having served in this body for twelve years and continue to see this body and the other body in the Legislature ridiculed from people who should really know better. It bothers me because everyone of us is trying to uphold the Constitution we swore an oath to when we first took office. Everyone of us, both parties included, are trying to do what's in the best interest of the people we represent. Everyone of us are trying to be both a part time citizen legislator and also have other responsibilities at home. There isn't any one of us that's working any harder than the other one. Sometimes after I get elected and I looked around and I think of all the blue slips and calls, meetings and everything else and realizing it's a part time job that pays \$7,500 or \$8,000 a year plus expenses, you wonder sometimes, but when you get a phone call back from people and they say "You know, John, thanks for getting back to me. I really appreciate that, nobody did that before", that's that little bit of reward that each one of us gets from our constituents. I think we should be better than that. We know and we hate to hear people say that those Legislators that are going to the Caribbean, or they are going on cruises, or they are spending all their time, that by and large, 99.9% that are serving in this Legislature are probably the hardest working people you're ever going to meet and they are really trying to do a good job. There isn't anything else here. This is

representative government. Just to give this chamber a small example of what happens when you try to rush things and get out in a shorter amount of time and you try to rush through the process, we had an issue before us that dealt with tree growth. We thought we would try to get this done, get it on time, get the Legislature out, save money, get that bill through, all parties agreed that were in the room and all parties around the table agreed, it went forward and it caused a fire storm because we had left a group out of that process. Inadvertently we left a group out. So we had to start all over again that whole process because we didn't do it right. We didn't include everybody. In government, it may be slow and it may be cumbersome and it doesn't operate like a business sometime but that's democracy and that's how democracy is supposed to work, so don't undercut representative form of government. It's there for all the people and I think it should be handled in that fashion because the people here are certainly doing it because they believe in what they are doing and they want to continue to serve people. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise probably because I am the Senator, I believe, in the chamber who knows the good Senator from Oxford the best of those who are here and I think he would agree since we go through rituals such as this pretty much on a daily basis. I respect him as much as I do any member and in a way it's kind of good to get the Senator from Oxford's opinions because it constantly makes you reevaluate your own position and it constantly makes you think about the worthiness of your position. Your position is only worth as much as you're willing to consider somebody else's opinion. So the song I have always wanted to sing to him and won't do it today and haven't done before for fear of clearing any public gathering, it's an old Dave Mason line which I think is really appropriate here. It's "there ain't no good guys, there ain't no bad guys, it's only you and me and we just disagree".

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As I rise today I take note that there seems to be a tone of anger in some voices and I counsel you that that is not necessary here today. I encourage us to look more to the facts of the issue. I am frankly quite encouraged by the good Senator from Oxford, Senator Hanley, that he recognizes that there is a real and legitimate need for additional money for General Purpose Aid to Education and I applaud his efforts in diligently trying to do two constructive things at the same time. My disagreement, though, comes in looking at the merits of the proposal which he has before us, this specific amendment. If you look at that specific amendment, what concerns me about it, is that there are several issues that disadvantage elected officials. Let me give you a couple of examples. By specifying an earlier cloture date after the election, specifically the first Tuesday after the first Monday in December of the election year, that disadvantages newly elected individuals because those individuals have just been elected in November and they do not have the same access that we have to the preparation of bills so they must then, whatever bills they wish to introduce, must then hurry and get them introduced here in this body so that they can do an adequate job of representing the

people they've just been elected to. That puts people at a great disadvantage, particularly the new members over the incumbents who have been reelected. Secondly, the issue really is and I frankly share the good Senator's concern in many respects, that we all could benefit from some improvement in management. That's not meant as a derogatory comment to anyone, but simply to say any organization, including this one, can always improve and do better. We've been doing that and I am pleased and I think there is more that can be done and I support those efforts in doing and managing our own business well. Let's take a look at one of the major issues that we have. That is that we will collectively need to make a decision on how many bills and issues at any one time we can deal with. If we simultaneously shorten the session but make no decisions on how many bills to allow in, we will simply be overloading the system and, therefore, further disadvantaging the public's and ourselves in doing a good job for what needs to be done on the important bills. We'll have to prioritize, we can't do everything. There are some things that we will have to let in because they are more important than others. I simply counsel you that until we have an opportunity to continue our process of improving management ability here and making some decisions on those things as we undertake and those things that we don't, this measure is inadequate as it stands by itself but it speaks to a legitimate issue. It simply uses a mechanism in a vehicle I think at the moment is not the right time or the right vehicle or completely fully matured as the right tool to use. For that reason I won't be supporting it but I think it is legitimate that the issue is brought up. This isn't the right answer right now, but let's work on it some more because all of us want to put more money into education. All of us want to manage our affairs so we have more time with our families, more time with our job, and allow more people to do these responsibilities. I share those goals and I am happy to continue to work on those with the good Senator from Oxford or any other member to do that but I won't be supporting this one and I hope that you won't support the amendment as well.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to support the good Senator from Oxford, Senator Hanley, in this proposal. I believe the good Senator has done exactly what we would expect a member of this body to do and he had strong opinions and strong views on an issue. As I look through the book, I see the Senator from Oxford has other amendments which perhaps I don't agree with but I think it's important that every proposal that a member of this body feels is appropriate should have an opportunity to bring that before us. I'd like to share with the Senate and anyone who cares to listen the historical perspective on this matter. I was elected here in 1980. I received a stipend of \$7,500 for a two year term. I didn't even ask at the time I ran what the pay was. I think a lot of people who want to offer public service do so without regard for the compensation. What happened, though, is during the good times in the 80's, the Legislature, like so many other branches of government and so many areas in government where we spend dollars, escalated. The cost of operating the Legislature escalated during the 80's for whatever reason. I think it is time, perhaps, to look at where we spend our money and where we could better spend the dollars we have available. It seems to me that public education is

in need of money - it's that simple. The question is if we go the other direction and decided to be here until October, I can assure you the Governor would be putting bills in at the last week in September. The simple fact is the less time you have to spend here the more likely your job would be done quicker and more efficiently. I'm not sure I agree exactly with the dates that have been offered in this amendment but I think the fact is we need to get in and out of here so the people of Maine would be able to know that those people who want to run for office know they have a time table, they can get in and get out and they can do the work and run their regular lives. I don't see a hidden agenda here. There has been some suggestions by some people that there is some kind of a hidden agenda here. I think the Senator from Oxford should be commended for saying where his priorities are. I have to agree with him. The Legislative budget can be cut. If we have the option of staying here longer or funding education for local schools, it's a very simple choice and I commend the good Senator for offering this amendment and wholeheartedly endorse it. 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. I, too, rise to ask you to defeat the pending motion to indefinitely postpone this amendment. I do so for several reasons. First I agree wholeheartedly with the comments from the good Senator from Oxford, Senator Hanley, that the Legislature's budget can be trimmed. I firmly believe that providing our part time Legislature career oriented full-time employee benefits does not reflect what Maine citizens want from their part-time Legislature. Indeed, there are only two people in this body that aren't participating in the free health insurance, free life insurance, free dental insurance, the Maine State Retirement System. It doesn't reflect the part-time citizen's Legislature. I firmly believe that we can be more effective and more efficient with our time in this body and if shortening the length of the Legislative session would help do that then we should support it. If we want to prove that we empathize with the people that we represent who have seen their property taxes continue to rise, who have seen benefits at their work place cut, have seen their jobs being eliminated, if we want to prove that we understand what they are up against, then we'll pass this pending motion and think of what the message would be out of this body that the Legislature is willing to make some tough cuts in their own budget to help General Purpose Aid to Education. I think it is a reasonable goal. I think it sends the right message to the citizens of Maine and I hope you will defeat the pending motion. Thank you.

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

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was going to try very hard not to rise and I generally don't rise to speak on issues that I can avoid speaking on but I just have to say a couple of words on this issue this morning. I don't think there is anything that has frustrated me from the moment I started running for office or for the two years that I have served any more than people's frustration with government and our lack of faith in our elected officials. All the time when people ask me how my first term has gone and how I feel about being in the Legislature, they say it must be so frustrating, you must hate it up

there, you must never get anything done. How can you stand it. Of course, there is a part of me that just wants to go along with the bashing and say "you're right. What a crowd. We never get anything done up there. Those people don't know what they are doing. No, it's a terrible, terrible place and nobody does their job". It would be an easy thing to do because it is a very popular notion and I think suggesting that we cut salaries, that we come up here for less time is all sort of falling into the same way of thinking "We're not really very good at what we do. We don't do a good job. Why don't we just go home and let everything take care of itself". Well, personally, I came into being in the Legislature because I had spent twenty-two years living in a small community where town meetings still worked, where serving on local planning boards or being the chair of the school board, made me understand there is nothing more exceptional, more of a privilege to participate in, than the democratic process. That having people sit down together and try to work out an issue and come to some kind of a reason judgment that incorporates a compromise based on what everyone believes in, is the most wonderful thing about living in the State of Maine or living in this country or participating in a democracy. We all have the privilege to come here and do that. I think that all of us, everybody in this room, has been mentioned many times, makes tremendous sacrifices to do that and to be a participant in that process. I don't think there is anybody in this room, and I may be wrong, but I don't believe there is anybody here that wants to go home more than I do. I haven't seen my kids in eight days and it's very hard for me to get home at the end of a late night session. I want to go home. I want this to be a short session. I want to be back with the voters in my district. I want to be listening to what my constituents' concerns are but I am more than willing to make that sacrifice to participate in what we do here. I think all of you make many, many sacrifices to participate as well. I think even the suggestion that we are over paid, that we are wasting the tax payer's money, that we are not doing the people's work by returning our phone calls, sticking to it on tricky issues like school funding where people have met hour after hour for this whole session. To even suggest that we are not doing our work and that we are not all deeply committed to the process and that democracy isn't something we should participate in, to be a part of, I think is unfair and offensive. I for one am strongly committed to this job and I know all the rest of you are and I believe there are important things we need to do to revise the process, to streamline it and make it more efficient, but bashing ourselves or the body or any other body here, I think does a tremendous disservice to people who now need to have their faith restored in government and need us to lead the way in that discussion. I hope you all do the right thing.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, tried to refrain from getting up to speak but I think there are a number of things that need to be said, some of which have already been said and I will only be reiterating those. This is the speech where I always say the Jeffersonian principal, "the wheels of government grind slowly but finely". That was said many years ago and I think it is very true now. I commend the good Senator from Oxford, Senator Hanley, for bringing this issue to us again in this session. I will remind him that, in fact, we have discussed this issue many times in this legislature and we have

now spent a considerable amount of time. I don't begrudge that time. I think that these things need to be aired and I think that we need to talk about them. When I first came into the Legislature, I didn't particularly look at what the salary was or what the benefits were either because I had a job but if we want to have a Legislature where only the rich and powerful or independently wealthy or whatever can serve because they don't have to be concerned with how much money they get to sustain life then that is what we can have. We can do that. No problem at all. But I don't think that's what my constituents want nor do I think that's what a good many of your constituents want. When I first came here the leadership directed the membership that they were not to speak. It would be the leadership who spoke on these issues unless it happened to be from their committee or one of their bills. That's not true here as you can see on this very issue. It's not true today nor do I think it should be true. It is a representative form of government and everybody ought to be allowed to speak. All of us have gone through the same trauma with the appropriation process as the good Senator from Oxford, Senator Hanley, described. I wouldn't describe it in exactly those terms but I understand his frustration and I think that comes out of the appropriations process itself only because that is the money issue. Only because stands have to be taken, that is the committee of last resort. You don't have anywhere else to go. It has to operate in a somewhat different manner than we do. I do not forgive anything that has to do with how you deal with people in an up front, courteous, respectful manner but I think that's not just Appropriations Committee or Human Resources Committee, Corrections Committee or any of those, I think that the human development is what we all need to work on in this Legislature. It doesn't require shortening the session. It doesn't require us doing all of these things, reducing the amount of money or any of that stuff that is proposed in this amendment. It does require us to take a look at our own actions which I think everybody has to take a look at. I understand that. I understand that what we need to do is refine the process, fine tune it, but to put arbitrary limits that may or may not be able to be met, to tell people they shouldn't serve if they can't afford to, to tell us we shouldn't have benefits because after all somebody else can afford the benefits so, therefore, you can't afford the benefits don't serve, I think demeans the process. It demeans the representation and demeans the people of the State of Maine. I think that we ought to acknowledge the fact, as I have just said, that everyone, whether or not they are a constituent who would like to have a bill heard and accepted by either the Legislative Council or put in before cloture, has the right to have that process heard, has the right to have their concerns heard. That's why we're here. Sure, we could be more circumspect in how we handle those bills but that doesn't mean we should shorten the process or we should do all of those other things in order to get that. We can do some good management things as the good Senator from Androscoggin, Senator Cleveland, has eluded to, but rather than amend this bill with this particular amendment, I think we ought to take some looks at how we can do that. I would hope that we would vote to indefinitely postpone this amendment so in fact we can get on with the business of the Senate. Incidentally, I would also just like to add one more thing. I have been here for a long length of time and I have watched the process work and I know when things have to be stopped. When we start at 9 o'clock and we start at 10:30 or 10:00 or whatever, I've learned that important things are happening then. There are conferences going on,

there are things that are going on so that you can move this process along faster and that's what, when we have those delays. I will say this for the present President of the Senate, this is one of the first years when I have seen them move very fast and stick to the schedule that we have stuck to in a very good manner so I think the process is working and I think it is working well under the present rules. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First let me apologize for being geographically disadvantaged. Two counties of our great state border the State of New Hampshire, Oxford county is one of them. In my district I have a couple hundred miles which border the New Hampshire border and, yes, I get the New Hampshire news, watch it on TV and maybe that's why when I take a look at the Legislature in New Hampshire and I can't imagine that the legislators of New Hampshire are any less concerned about a democratic process. The good Senator from Penobscot, Senator Baldacci, said this measure would undercut the representative form of government. In the proposal before you, men and women of the Senate, we are still spending more time in session than the State of New Hampshire is. They, too, run a bicameral legislature. They, too, have individuals that are elected popularly by their constituents by their respective districts. Yet they get the work done. I hasten to add that the State of New Hampshire, in the last ten months, has had the largest economic growth of any state in New England. I guess my apologies are for the fact that Maine being so close to the state of New Hampshire and seeing how they run and can't imagine that they just cut corners and they don't care about their districts any less than we do, that maybe, just maybe, there is something to this. Just maybe. There may be somewhere in the corner, in the corner of the amendment, there is some benefit. If by adopting this amendment no we are not undercutting our representative form of government, no we are not bashing the Legislature. As far as the good Senator from Knox pointed out this would be seen as we are overpaid, I would just tell the good Senator that by shortening the session I thought that there ought to be a commensurate reduction in salary because we are not spending as much time up here in Augusta. If I did not include that commensurate reduction in salary, in fact maybe people might point at the Legislature and say, "wait, you were paid \$18,000 last session now you're reducing the time you have to spend up there and you are still keeping the same salary"? I guess I had a problem with that and I am willing to have changes to the amendment as proposed but that was my rationale. In closing, maybe I do live too close to the New Hampshire border and the good Senator from Kennebec, Senator Carey, has mentioned to me in the past I may want to move over there. No, I don't. I love the town of South Paris. I love the community I live in. I want to raise my family there. I want to build a home on a hill and I want to retire from this place and become a hermit. I'm sincere. That's what I want to do. Before I do it, I'd like to leave an imprint as far as where the State can go and what this Legislature can do as our part. Thank you.

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

Senator **BRANNIGAN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I know when we address other members of the chamber, we are supposed to address them by name. I know that when we address other members of the chamber, we're supposed to site the county from which they come. Mr. President, is there anything in the rules or statutes that say we have to call them good.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-619) to Committee Amendment "A" (H-1081).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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**, **BERUBE**, **BRANNIGAN**, **BUSTIN**, **BUTLAND**, **CAREY**, **CARPENTER**, **CIANCHETTE**, **CLEVELAND**, **CONLEY**, **ESTY**, **FOSTER**, **HALL**, **HANDY**, **LAWRENCE**, **LUDWIG**, **MARDEN**, **MCCORMICK**, **O'DEA**, **PARADIS**, **PEARSON**, **PINGREE**, **TITCOMB**, **VOSE**, **THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO**, **CAHILL**, **GOULD**, **HANLEY**, **HARRIMAN**, **KIEFFER**, **SUMMERS**, **WEBSTER**

ABSENT: Senator **LUTHER**

Senator **FOSTER** of Hancock requested and received Leave of the Senate to change her vote from **NAY** to **YEA**.

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PEARSON** of Penobscot, to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-619) to Committee Amendment "A" (H-1081), **PREVAILED**.

On motion by Senator **HANLEY** of Oxford, Senate Amendment "G" (S-620) to Committee Amendment "A" (H-1081) **READ**.

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

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. First, let me state, as you can tell by the roll call, that these amendments are not partisan by any stretch of the imagination. These amendments are proposed by this

Senator because I think it addresses the priorities in my district and I think they need to be addressed here. As a boy, age 11 and 12, I raked blueberries and we were not paid on the blueberries we raked unless we filled the barrel to the top. In this amendment before you, I see two blueberry pails. I used to rake with my brother and if his pail was half full and mine was half full, it certainly made sense for me to pour mine into his or for him to pour his into mine so that we could get paid. For those of you who have raked blueberries, you know you earn your money raking blueberries. Well, this amendment has two blueberry pails for education, neither one of them totally full. The amendment before you would take money from the Magnet School and from the York Technical College, take those barrels which are half full and pour it into the GPA barrel. The analogy doesn't quite go all the way because it doesn't fill the GPA barrel all the way to the top but at least you fill it up more. I guess I have a problem with starting new programs when the current programs which teach our kids aren't properly funded. When the kids in the elementary level are not getting the education they need, if they don't get the education they need, why should we have the other schools? I take no exception to the fact that, yes, if we had the money that the Magnet School would be a positive thing and, yes, there is a crying need for vocational and technical spaces out there. There is also a crying need to support our elementary and secondary education here in the State of Maine. It's not an easy choice and the amendment I am proposing to you this morning, none of them are easy. That's why we are elected. To set priorities, my priority is to put the money into general purpose aid to education.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "G" (S-620) to Committee Amendment "A" (H-1081).

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Oxford, Senator Hanley, says that we need to give children the education they need and that we should be doing it now and the point is we are not doing it now. I taught school for over twenty years, almost twenty five years, and in my classrooms, as in the President of the Senate's classroom and anybody else who ever taught school, Senator Begley, there were different levels of ability in every classroom. Sometimes I was able to reach most of them but I very rarely reached all of them. One of the things we recognize in this state is that we have got to do more for people who have disadvantages and we have done that. We have funded special education programs for them to the tune of many, many hundreds of thousands and millions of dollars. It was my observation that two groups of people were left out. We tended to aim our education at the middle and forget those on the top, and I am talking about the Magnet Schools right now, those are the people that thrive on challenges in education far more than the average person does. They want to learn, they enjoy learning, they live to learn, they love to be in front of a computer, they love to be in a science lab, they love to do math, they love to be in that kind of environment. Some of those people have gotten an education in spite of us. Just imagine what they could have if they had a school that was specially geared for their abilities. From the moment the Governor of the State suggested the Magnet Schools, I was excited about it because I remembered those students that I hadn't been able, and most

teachers are not able to reach. At the very same time that he comes out with this idea, of course, there is a school, that I guess although I have never seen it, Senator O'Dea from Penobscot has described it to me, is ultra modern and about to be emptied. It is emptied, I guess, to a great extent in Limestone. What a perfect opportunity. An opportunity that probably will not come to us again for a long, long time. I am very enthusiastic about that. They are the group of people that we have failed to address. At least in one section of this state are those who want to access vocational education. We have a vocational school, and I hope that I can remember them all, one in Presque Isle, one in Washington County, one in Bangor, one in Portland, none in York County. The reality is that this Senator from Penobscot has got to realize that the bulk of the population is in York and Cumberland County. York County has gone a long time without asking for anything and had their students go without vocational college education. This is a beginning of that program and even though it makes another vocational college on our plate, I think it is one that is justified in addition to the ones in Auburn and Bangor and all of the rest. For that reason I move the indefinite postponement of the amendment and I will now yield to the Senators from York and Aroostook County who wish to espouse their own thoughts.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wonder if you have ever heard of the expression that half a pail is better than none, or half a loaf is better than none. Being from York County, it's pretty obvious I suppose I rise to support a technical college for York County, but I also support the Magnet School for the northern section of the state. I would like to speak very briefly on the technical college for York County and I am sure there are others who will speak in favor of the Magnet School which I support 100%. Actually, I'll support the technical college with probably a story. My father is from the state of Maine, or was, he is no longer living, but he left the state to go to Wentworth Institute in Massachusetts, which is a technical college. He did that because he was more interested in working with his hands, machinery, lathes, that type of thing than on the farm or whatever else was available in the shoe shops. He went to Wentworth Institute and after graduating from Wentworth Institute, he went to work for Polaroid. At that time, it had just been formed. It was a nothing company. He became the foreman of the research machine shop. From there they developed the first polaroid camera. He did not invent it but he did help build the first polaroid camera. I use this as an example that in York County, which is one of the most populated counties of the State, we need a college for this type of individual and as was previously mentioned I feel that there probably is not enough done for the individuals on each end of the spectrum, whether they are students that belong at a Magnet school in Limestone or students that should be going to a technical college. For these reasons I hope you support the indefinite postponement.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am sure that it is no surprise that I too would rise to oppose my

friend my Oxford County, Senator Hanley. I will try to be very brief except to say that the issues of technical education in York County are very real. One of the highest costs employers have in York County is the cost of retraining their workers and I think that if we are going to be serious about having a workforce that is ready to address the needs, not only of the 90's, but into the next century, we need the technical college in York County. Also the Magnet School issue is one that is dear to my own family situation. I am fortunate enough to have a very bright daughter and I would like to think there may be opportunities for her and other children who are bright to excel and to have an opportunity to go just as far as they possibly can. For those reasons, Mr. President, I would support the indefinite postponement.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There is an old saying about being pennywise and pound foolish and I think that is very apropos here today. I think we have to take a hard look at our education system and I fully understand the money crunch in our education system as well as in state government in its entirety. However, over the past 15 years we have seen our education funding continually rise and yet I am not satisfied with the end results of that educational process. Just a week ago you were able to pick up the Kennebec paper and on the front page was an article about how our schools were only rating a C. So I think here is an opportunity in the technical colleges and I think they have done a great thing over the past few years. I've watched our students in our local school systems in Aroostook County attend the technical college in Presque Isle. I am sure the same thing will happen in York County and I think it fills a need that was very urgent that was very missing. Not everyone is capable of attending college other than technical colleges into the science fields. Not everyone has a desire to. We need mechanics and we need electricians. I think that that's the very niche these technical colleges fulfill in our system. I think by the same token, this Magnet School, as proposed in Limestone, will do exactly the same thing only in a little different niche. It presents a situation for a class of individuals that may not necessarily be the brightest students in their classes but they need to further their education in their particular fields of endeavor. We have specialized classes throughout the summer for sports, for basketball, for band, whatever they may be and this is yet another niche that has a real need throughout the state of Maine. These schools occur in other states around the country. They have been very successful in other states around the country and they aren't necessarily located in the downtown urban area. I am disappointed in the news article this past week in the Bangor Daily News, for example, and it made the direct inference that because of Limestone's location, and they had no sports program, I believe that the person that wrote that article apparently doesn't read their own paper because just a week prior to that on the sports page in the Bangor paper, there was a picture of a young gentleman who was graduating this year from the University of Maine in Orono. His name was Kenny Barnes. He happened to be the co-captain of the University's basketball team this year and if you read very closely he was a graduate of Limestone High School. So I think they do have sports there. They have the facilities to take care of these students from across the state. I won't go on as far as

describing the physical aspects of this plant. I have done that before. It is a great facility and I ask that this Senate support this bill in its entirety. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator O'DEA: Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, would urge you to indefinitely postpone Senate Amendment "G", one in a string of amendments designed to somehow improve education. We've heard today about the need for a technical college in York County. Let me tell you just one thing. The technical college system has a huge waiting list of people statewide who are anxious for the programs that are available and anxious to get on with seeking some retraining or some new job training so that they can be competitive in the workforce. We all give a great deal of lip service to economic development and doing things to improve Maine's economy and I am sure that rhetoric will be heating up even more in the months ahead. This is one thing that you can do and will have a real impact on the state's economy. York County is the fastest growing county in the state. They have a huge population of people who need access to this type of service and this is one thing that you can do and we can all do together that will help. At the same time, we also need to concentrate and take a look at the Magnet School up in Limestone that has been proposed. People are saying, "why Limestone"? I've gaveled people out of order in my own committee for suggesting somehow that Limestone was not even part of the state of Maine or the north american continent, it's right up near the north pole someplace. It's amazing the number of people in this body who have never been to Limestone, Maine. If you look at what's available in Limestone, what the community of Limestone is making available to the people of the State, and that means kids from your towns and my towns. We are talking about an incredible physical plant. We are talking about 10 fully equipped science labs, more than 100 computers, a safe community and a community that has a rich history of providing open arms and a welcome spirit to kids not only from all over the state of Maine but from all over the world due to the special nature of the air force base up there. I can't imagine anything that would be more contrary to our long term goals of providing access to excellence in education than stripping away the Magnet School to save \$320,000. Magnet School is something that has been tried in a number of other states, it's an initiative that has worked very well every place it's been tried and I would hope that we would continue to be leaders in education in our small way in the State of Maine and endorse this proposal. At the same time, I would urge you to reject Senate Amendment "G" and vote for the motion to indefinitely postpone.

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

Senator TITCOMB: Thank you Mr. President, Ladies and Gentlemen of the Senate. A very quick comment. In the very beginning of the discussions about the Magnet Schools, I will be the first one to say that I had some questions about the value at this time and in this economy. But I think of all of the arguments I've heard, and we've heard a number of them today, and we will probably hear more over the next day. I think the most compelling one was the one that was made by the good Senator from Aroostook, Senator Paradis, in a conversation that we had yesterday and it was as much the way she said it as

what she said. She expressed to me that the people of Aroostook, the people in the Limestone area, have seen new hope that they have not seen in a long time and that for many of them this whole project gives them a new reason to get up in the morning. If we can bring that kind of hope to people up in Limestone who have been struggling to stay afloat, that unto itself is a legitimate purpose in this cause and I think it has proven that this is a legitimate proposal. My second support will be, and I will not detail it, is my support for the vocational school in York County. I would echo all of the reasons we have supported it. I think there is a real dire need for this vocational school. My final comment would be that the general purpose aid issue is one that many of us, I would expect all of us, have been very concerned about it. I hope its one, that whatever way we vote on this amendment, that we keep on a top burner as we discuss the budget over the next day. I would also say that at 9 o'clock this morning perhaps we were late in starting session, but many of us were huddled in different corners trying to find responsible ways to deal with the void of money for general purpose aid. So I would say maybe we don't start on time but I think we are all leaning in the same direction.

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

Senator BEGLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. One aspect of this that I think needs to be mentioned concerning the Magnet School is the \$400,000 in the current budget does not come from GPA but from general fund. That was a big distinction to me because in discussing the issue previously with Superintendents they were very concerned of it coming out of GPA. The second item that I find very valuable about the Magnet School is it goes back to local control. The local schools will decide whether or not those youngsters will go and will take money out of their budgets of the cost per pupil and give it to the Magnet School. I firmly believe in that process and that is where the success of that school will come. I mentioned this a month or so ago. The success of the school will not come from the \$400,000. It will come from the recruitment from local people willing to give up that amount of money to put those youngsters there and that I think is very, very valuable.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me put aside any fears any of you might have had that after I finish my Legislative service I may come back as a lobbyist. As you can tell, I am even within my own caucus, have not been able to lobby this amendment through. I do have a question I would like to pose a question through the Chair to anyone who could answer. That question is, what is the projected costs of the York Technical College for the next budget if there is a number for that, and what is the projected cost for the Magnet School for the next budget?

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I will answer from the numbers I have as far as the Magnet School in Limestone is concerned. I don't have the figures for the Technical College in York. I have several numbers which I would like to give to you. At the present time as far as the \$400,000 figure that has been reduced to \$320,000. At the present time, in K-12 in the State of Maine there is 212,245 students. That figures out to about an investment this year of about \$1.50 per student. As far as the costs for the fiscal year 1996-97 are concerned, the true cost to the state after deducting the figures from the GPA from the schools that are sending students, the net cost will be \$465,000 in the year 1996 and \$930,000 in the fiscal year 1997. These are the best numbers that have been presented to me.

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

Senator **AMERO**: Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to Senator Hanley, the Senator from Oxford's question about the Technical College in York County, it is projected that those costs will continue to be in the range of \$1.2 million dollars until increases are negotiated for faculty at some later time but that the costs should continue to be in that area for the foreseeable immediate future. Also, while I have the microphone, would like to remind members of this body that the Education Committee did vote unanimously to support the York County Technical College and we also voted unanimously to support the Magnet School in Limestone and, not being from either York County or Aroostook County, I am very happy to be a supporter of both of those projects and hope that this body will vote to continue keeping it in the budget.

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

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. As you know in the past couple of years there have been approximately 4,000 workers laid off from the shipyard in Kittery. The evidence we had laid before us on the Education Committee was that there will be 10,000 new technical jobs needed in York County in the next ten years. Currently, only 1,500 York County residents are trained to take those technical jobs in the Maine Technical College System. York County desperately needs this technical school if it is going to address the lay offs we have seen in York County. Mr. President, when the vote is taken I request the yeas and nays.

On motion by Senator **LAWRENCE** of York, 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. On your Committee amendment on page 138 it does tell you about the funding for the Technical College and I think maybe in answer to Senator Hanley's question I should read into the record what it does say. "Provides funds to establish a Technical College in York County, including funds for administration, student services, program development, training equipment, rent and other needs of the new College with students being enrolled for the term beginning in the fall of 1995. It is the intent of the

Legislature that this \$1,200,000 along with an additional \$600,000 to fully fund the annual cost of York County Technical College be incorporated into the current services budget recommendations for fiscal year 1995/96 and fiscal year 1996/97." I say that only to make sure that the answer is right in regard to Senator Hanley. I also would like to tell you I am in favor of both of these schools. Number one, I believe the York Technical College will, in a very short time, be one of the finest technical colleges that we are going to have in the State of Maine. It is certainly in the market for a technical college. I would also address my remarks to the Magnet School. As a young child I was in Aroostook County because my father was a lineman for the County. It was very interesting because I went there from Hancock County Maine. If anything in my life I learned the people of Aroostook County were the way I always thought people were twenty years ago. There is something about them. They have this close family connection, whether it's the weather or whether they are isolated, but they certainly embrace anyone who goes into Aroostook County. They open their homes. My daughter is in Fort Kent now for a week and I can't get my daughter on the phone. She's going bowling with Bea or she's going to the American Legion to do something or she is going across the border. When she goes into Aroostook County she becomes part of the community. Now we might send our brightest students there and I am sure they will get a lesson in math and science but they will learn another part of life from the people of Aroostook County that they will never forget and that was one reason that I was very supportive of the Magnet schools. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "G" (S-620) to Committee Amendment "A" (H-1081).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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, BERUBE, BRANNIGAN, BUSTIN, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, KIEFFER, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BUTLAND, HANLEY, HARRIMAN

ABSENT: Senator LUTHER

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PEARSON** of Penobscot, to **INDEFINITELY POSTPONE** Senate Amendment "G" (S-620) to Committee Amendment "A" (H-1081), **PREVAILED**.

On motion by Senator **HANLEY** of Oxford, Senate Amendment "E" (S-618) to Committee Amendment "A" (H-1081) **READ**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This proposed amendment would do two things. First, it would change the age of children for AFDC mothers in which they would have to seek out work, education, training, and so forth. Currently, if you have a child age three or younger you are exempted from these provisions and you don't have to pursue that. I guess I have a concern about that. Let me tell you that the same brother that I raked blueberries with has recently had a baby daughter and he is a carpenter in Androscoggin County and he doesn't earn a sizeable living. For those of you in the construction business you realize that it is a very tough time to make a living. His wife is involved in the day care profession. She could only afford to stay at home with my niece for twelve weeks. They appreciated those four months together but then they she had to go back to work to make their bills. I guess I have a problem setting priorities once again. I think it's reasonable to reduce that age from three down to one. The other portion of this amendment is to reduce, this is a chestnut that this chamber has dealt with before as well as the Legislature as far as increasing benefits for additional children born to AFDC parents. The money saved from this amendment would go directly into general purpose aid to education. I hope you will support it.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-618) to Committee Amendment "A" (H-1081).

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is sort of a reiteration or a rehash of a bill that we had before us last year. I must say that I think it is more properly contained in a separate LD and not as an amendment to the budget. This says that if you have more children you don't have any more benefits on AFDC and as the Senator said moves it from three years where you have to go out and receive training to one year. I am not a father. I am an uncle many, many times and a great-uncle several times and I know the value of staying home with a child beyond just a year. I think it is extremely important and most literature will back that up. So I hope the Senate will reject this amendment.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Very briefly I would just like to express my appreciation for the long hours and the hard work that the Human Resources Committee spent on the so called 'project opportunity' that we'll be hearing more about as it goes onto enactment. In our deliberations we spent hours, well weeks, probably longer, crafting a solution to people who need our help who are on AFDC. While I would agree that the statistics are irrefutable that the biggest, at least in my personal view, challenge that we as a society need to overcome

is that the largest segment of AFDC population are unwed parents. Indeed, in 1975, 12% of the people who needed our help through AFDC, were unwed parents. Today, it's nearly 40%. We need to address that problem. But most respectfully to my good colleague from Oxford, Senator Hanley, this bill is not the way to do that. The Human Resources Committee has put together legislation that I hope all of you will be proud of when you find out the details of it. It is designed to help people move from welfare checks to pay checks and we've looked at these issues very carefully and I think we have come to the right solution. I hope you will support the pending motion to indefinitely postpone.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I absolutely concur with my fellow Human Resources Committee member. The proposal would also cause us to lose a lot of federal dollars. We have the federal welfare reform plan and there is a lot of things that we are going to be able to work with when it comes down. The reason it isn't out yet is that it costs a lot of money. We could only do as much as the money would allow. In terms of another issue that is being presented in this amendment, I quote from the Catholic Diocese of Portland about it "The elimination of AFDC increased benefits for additional children is political and symbolic. There is no substance to this proposal. The penalty to the few children to whom it would apply is completely out of proportion to the problem. Even if the goal of this proposal were moral, and it is not, the means to obtain the goal forcing mothers to abort, punishing new born children, are clearly immoral." 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 just say very briefly that I hope that when we look at funding issues in the future as a state that we are as enthusiastic about providing the generous types of resources that had not been provided in the past for such programs as ASPIRE, that has been underfunded, that we are as enthusiastic about providing the resources so that mothers who would like very much to have the opportunity to support themselves will have that opportunity with the finances to pay for programs for training and to allow day care, transportation, are something they can access to be able to support themselves. I once heard a gentleman, I won't say from the other body because I know that that's not within the bounds of regulation, an advocate for young mothers speak about homeless people and he said he can't imagine when a child was asked "what do you want to be when you grow up". Well, I'd like to be homeless". I guess I could say the same thing. I don't know of too many young girls, if they were asked when they were 10 or 15 "what do you want to be when you grow up. Well, I want to be on AFDC because it is a real trip."

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When we were elected by our respective districts and constituents and took the oath of office, we swore that we would do what was in the best interest of all the people in the State of Maine. I guess I have concerns for

those people in my district and that I would concur with the good Senator from Penobscot, Senator Pearson, that yes, in a perfect world, the longer you can spend with your child probably the better that child will be, the better family relationship, the greater likelihood for success down the road. Unfortunately, that's not the case for the two income families which need both incomes to meet their mortgage payment, to pay their food bills, to pay the heating bills, pay the electric bills and what do I tell my constituents when they say "hey, I would have liked to stayed home with my kids until they were three but we couldn't afford it. Could not afford it or we would not have been able to make the mortgage payment. Could not afford it or we could not have paid the food bill." What do I say to them? Do I say, well it's not a fair system and the people on AFDC, it's very difficult and this is a different dispensation that needs to be afforded them. I guess I can't do that. Moving it from three years to one year I think is a reasonable effort. Whereas most families with both parents working have the requisite twelve weeks and then they have to go back to work. It's a difficult position that we put our citizens in because their tax dollars which get funded through into the state and into the feds to pay for these programs, we should have some concern for them when we take the vote.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be quick. I like this amendment. I wish we could all support it. I have two married daughters. One of them has two children. One was born a week ago and another daughter that is probably in labor right now. That's beside the point but both of my daughters are teachers, both of their husbands are teachers. Who is going to pay for them to stay out even though it's an ideal situation where you can stay home with your children. Neither one of them have had that luxury. They have had to go back to school teaching just as soon as possible, usually they time it so they go back right after the summer break. I mean they have to do it to pay their bills, to pay their mortgages, to buy their food, pay for their automobile payments. Nobody is giving them a check every week and I think this amendment makes a lot of sense to me. I hope you will support it. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Mr. President, just a couple of points as a member of the Human Resources Committee and somebody who hasn't been at all the Human Resources Committee meetings, but knows why they are a member of the Human Resources Committee and that is to try to stand up for people who are having a hard time being represented sometimes in this particular instance. I think it's really sad when people are using a back door approach to reintroduce two of the issues that were dealt with in a very contentious committee meeting and a compromise was established. To see this back door approach at this 11th hour of the Legislative session, in two areas at best with the lacking a straight face, try to convince people that you are really interested in saving money when in fact the proposal will cost the state the lack of the federal matching funds that would be made available under this particular program. To make people and children

the recipients of the wrath that is being proposed here is very unfortunate and I hope that when other matters are being brought to the attention of the Senate, when there are certain industries and companies that are looking for the hand out, that the good Senator from Oxford handles it in the same fashion that he handles this.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-618) to Committee Amendment "A" (H-1081).

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.

18 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-618) to Committee Amendment "A" (H-1081), **PREVAILED**.

On motion by Senator **HANLEY** of Oxford, Senate Amendment "J" (S-636) to Committee Amendment "A" (H-1081) **READ**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment before you will take legislative surplus and apply that to general purpose aid to education in the amount of \$1.5 million. Now before we get too much into it, currently in the Legislative account, and this is just for the three quarters, there is \$1,749,000 in this Legislative account of which \$600,000 has been earmarked in the budget which leaves a total of \$1,149,000. This is only after three quarters. The amendment before you will take that surplus - I know it says \$1.5 million, I believe we can glean from the next legislative budget the \$300,000 to make that \$1.5 million to place into general purpose aid to education and I would urge your support in this amendment.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-636) to Committee Amendment "A" (H-1081).

On motion by Senator **HANLEY** of Oxford, 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 Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me clarify exactly what this amendment would do. There is currently in the Legislative account a surplus of \$1,749,719. This is only the three accounts, Professional Services, All Others and Capital. There are other accounts still which have surpluses yet. Those are the big three. This is a surplus. This is a surplus, men and women of the Senate. Of this surplus, \$600,000 has been taken and proposed in the budget before us leaving \$1,149,719 surplus. Of those three accounts for the first three quarters as a matter of priority I think Legislative surplus can and should go to general purpose aid to education to

offset some of the harsh cuts which are going to be, as this chamber has referred to before, a shift and shaft if in fact the money doesn't go to the local districts who have to raise their property taxes. I'd rather take the money from the surplus of the Legislative account than to ask my property tax payers to pay more.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. You know even a broken clock is right twice a day and on this issue I think that this is one of those times that the broken clock is right. I believe that the Senator from Oxford, Senator Hanley, is correct on this issue and I am going to vote with him against the motion to indefinitely postpone.

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

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The members of the House and Senate elect leadership. They are ten members and they handle the Legislative budget. We ask them how much money we could use from the Legislative budget and they gave us the number and we put it in the budget. I have to have respect for this group of people that we have elected to handle the Legislative budget and I don't know if all of that money is there and if there are those of you that think we should take more, perhaps you should go to your leadership and if there is more money they want to get us, perhaps give back, perhaps leadership could draft an amendment for that amount of money but to go and take \$1,500,000 from an account in this manner is I don't think the right way to go. That's why I'm going to vote against the amendment now but if there is more then I think there is a route to go and you're free to do that.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-636) to Committee Amendment "A" (H-1081).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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 **BEGLEY, BERUBE, BRANNIGAN, BUSTIN, CAREY, CLEVELAND, CONLEY, ESTY, FOSTER, LAWRENCE, LUDWIG, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, MARDEN, SUMMERS, WEBSTER**

ABSENT: Senator **BALDACCI**

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PEARSON** of Penobscot, to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-636) to Committee Amendment "A" (H-1081), **PREVAILED**.

House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081) **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081), in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Ensure Proper Funding of the Department of Environmental Protection"
H.P. 1385 L.D. 1884

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

In Senate, April 11, 1994, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**.

The Senate **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE**.

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

Senator **LAWRENCE** of York.
Senator **PEARSON** of Penobscot.
Senator **LUDWIG** of Aroostook.

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

SENATE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (Governor's Bill)
S.P. 717 L.D. 1939

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-565)**

In Senate, March 31, 1994, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565)** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **ADHERED**.

(See Action Later Today)

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

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

S.P. 613 L.D. 1711

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-632)**.

Which Report was **READ**.

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

On motion by Senator **CAHILL** of Sagadahoc, the Senate **RECONSIDERED** its action whereby it **ADHERED** on:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (Governor's Bill)

S.P. 717 L.D. 1939

(In Senate, March 31, 1994, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, April 12, 1994, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565)** in **NON-CONCURRENCE**.)

(In Senate, April 12, 1994, **ADHERED**.)

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that we would be able to pass this piece of legislation. This is the ITV bond issue legislation and while it has been a rocky road I think that it

has a lot of merit to it. If we need to bond anything we need to bond the future of our public education school systems in the State of Maine and this bill would help us to do that and expand the ITV system in Maine. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by same Senator to **ADHERE**.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1488

ORDERED, the Senate concurring, that Resolve, Establishing the People with Disabilities Access Commission, H.P. 1321, L.D. 1783, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

Which was **READ** and **PASSED**, 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 Amend the Laws Relating to Potatoes
H.P. 1273 L.D. 1717
(H "A" H-1096 to C
"A" H-1059)

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

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

ENACTORS

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

Emergency

An Act to Establish the Project Opportunity Demonstration Program (Governor's Bill)
S.P. 729 L.D. 1950
(S "A" S-626 to C "A" S-613)

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

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

ENACTORS

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

An Act to Amend the Harness Racing Laws
H.P. 1243 L.D. 1670
(H "D" H-1003; H "F" H-1095 to C "A" H-948)

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1487

**JOINT RESOLUTION
COMMEMORATING THE 150TH ANNIVERSARY OF THE
INCORPORATION OF THE TOWN OF ALTON**

WHEREAS, the Town of Alton was incorporated by the Senate and the House of Representatives of the State of Maine on March 9, 1844 and will celebrate its 150th anniversary during 1994; and

WHEREAS, John Bennoch, with the authority of the Commonwealth of Massachusetts, built a road in 1815 that became the main catalyst for a settlement in what was to become the Town of Alton; and

WHEREAS, Stephen Tourtelott built the first log cabin or other civilized habitation in this part of the country, making him the first recorded settler in the area now known as the Town of Alton; and

WHEREAS, other early settlers built saw mills, tanneries, taverns, shingle mills, stores and hotels that contributed to the economic well-being of the Town of Alton; and

WHEREAS, Reed Mehann, a citizen of the Town of Alton, was instrumental in having a telephone service established in the Town of Alton in 1911, which further established the town's economic and social structure; now, therefore, be it

RESOLVED: That We, the Members of the 116th Legislature of the State of Maine now assembled in the Second Regular Session join in the commemoration of the 150th anniversary celebration of the Town of Alton and extend our best wishes for good health and continued success to the town's inhabitants; 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**.

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

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 Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (Emergency)
H.P. 1083 L.D. 1449
(C "A" H-951)

In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951) AS AMENDED BY HOUSE AMENDMENT "A" (H-1105)** thereto, **AND HOUSE AMENDMENT "A" (H-1063)** in **NON-CONCURRENCE**.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **HALL** of Piscataquis, **RECESSED** until 1:30 this afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

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

In Senate, April 11, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1098)**, without reference to a Committee, in **NON-CONCURRENCE.**

Senator **VOSE** of Washington moved that the Senate **RECEDE** and **CONCUR.**

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I feel that this bill is progressing pretty rapidly and deserves an explanation to the people in this body. The amendment that was placed on this bill is in reality the bill itself. It was suggested by the Attorney General and he has no problem with the amendment and has no problem with the bill. First thing I want to tell you that a vote for this bill does not, and I repeat does not, indicate that anyone here is in favor of casino gambling in the State of Maine. That was thoroughly discussed in our bill before this and it was obvious that just wasn't going anywhere. So, therefore, the only way that a casino can be constructed in the State of Maine is under the IGRA which is the Federal Indian Game and Regulatory Act. Now under that Act any federally recognized tribe may construct a casino or enter into a compact to construct a casino within the state. As you know, the Attorney General of the State of Maine has disagreed that the tribes here in the State of Maine can in fact construct a casino under that Act because of the land claims. However, if the Passamaquoddy tribe goes to court under IGRA, then it's possible that they may win and if they win then this bill makes it possible to construct the casino on 100 acres of land in Calais. I'd like to explain it just a little further because when you go to court under IGRA, you must put the gambling casino under trust land, land owned by the tribe under trust. Therefore, this bill says, and I'll read it because I think it should be read, first off the bill starts in and tells all about the lands that was in the land claims act which they can purchase, and adds this parcel. It says "Any land not exceeding one hundred acres in the City of Calais acquired by the secretary for the benefit of the Passamaquoddy tribe as long as the land is acquired by the secretary prior to January 1, 2001." I want to make it very clear that the original said 1991. The 2001 only applies to this particular parcel. It does not apply to any other land. That's over with. "It is not held in common with any other person or entity and is certified by the Secretary by January 31, 2001, as held for the benefit of the Passamaquoddy tribe if the acquisition of the land by the tribe is approved by the legislative body of that city and a tribal state compact under the Federal Indian Game and Regulatory Act is agreed to by the state and the Passamaquoddy tribe", which is unlikely quite frankly, because of the vote taken here, "or the state is ordered by a court to negotiate such a compact" and it's that simple. It simply says that if we have to have a casino in the State of Maine, this would allow Calais to be in the ball game. 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 would pose a question to the good Senator from Washington County. Is this an amendment to the Indian Lands Claims Settlement Act?

THE PRESIDENT: The Senator from Hancock, Senator Foster, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Yes, in fact it is. It is part of that. You can add to it but you can't subtract from it

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

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have served fourteen years in Augusta and over the years I have seen an amendment every year to amend the Indian Lands Claims Settlement Act, whether it is to change what land can be used for. I think maybe two years ago the most onerous was that the Indians Lands Claims Settlement Act would be amended so that the Indian lands would not come under the jurisdiction of LURC, such as all of our lands do. No control over the land. I think probably, I know I am going to vote against it because this is the first attempt to change the definition of what land can be used. I notice there was another amendment that didn't reach our desks on another parcel of land to be changed. This can go on and on and on. We have an honorable contract in an Indian Lands Claims Settlement Act paid for by we citizens and I really object to amending that contract over and over again and I would ask you to vote against this amendment because the next time there will be another one just like this that will come in and say the very same thing and it will be a tract of land somewhere else asking for an exception.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I may, Mr. President, I would like to pose a question through the Chair. I don't have an objection to this particular bill unless this bill would preempt the State's ability to enter into a contract with the Indians should this Federal Gaming Act law suit that I am assuming we are going to see come forward if it passes, and they win the suit, and we agree to this bill, does the State have any role in the decisions the casino may make? Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the question. I did, in fact, check with the Attorney General to see if this would have any adverse effect whatsoever on the court case and the answer was absolutely not. Should they win the court case, it would have no effect on the compact that would be negotiated between the Governor and the tribe. The only thing it does is that if they so wish they could request that that be the area or the place where they put it. That is what this bill does. No it does not interfere in any way whatsoever.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When the Indian Lands Claims Settlement Act was passed one of the provisions of that settlement, of course, a certain amount of money that was given to the tribe and that money was to be used to buy land in the future. At the time that that particular document was passed, I was here in the Legislature and I served on the Indian Lands Claims Committee for the Maine Legislature some seventeen or eighteen years ago,

whenever it was, and the understanding at that time was that the Indians who received the money to buy land, could not buy land all at once. Nobody goes out and buys land all at once. They employed a number of different companies, the Sewall Company of Old Town being one of them, to go out and survey land to see that they weren't buying a pig in a poke and so we knew at that time that they were going to have to come back to the Legislature several times after that to put the boundaries down on land they wanted to purchase because the agreement was that it would be done, if the tribes approved, and then if the State approved. It had to have both parties approve. That went on for a number of years. They accomplished the purchase of a lot of land, the Penobscots did and so did the Passamaquoddy over a period of at least a decade because they couldn't do it all at once. It wasn't offered all at once. They didn't have a chance to buy it all at once. There was always a provision in the Indian Lands Claim Settlement that they could come back to the State and ask for permission to purchase certain lands to be held in trust for them. So this is not unusual. The only unusual part of this is that it has been some time since they have been here to ask for this kind of permission which is required in the Indian Lands Claims Settlement Act. I will agree with the Senator from Hancock that the drive to take themselves out from underneath LURC was unfortunate. I voted against that and I think it was improper, it was not well done. With regard to buying land and holding it in trust for the Passamaquoddies is not unusual and it has been done a number of times since I have been here, probably a score of times for both the Penobscots and the Passamaquoddies.

On motion by Senator **VOSE** of Washington, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

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

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

Off Record Remarks

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

On motion by Senator **ESTY** of Cumberland, **RECESSED** until 4:00 this afternoon.

After Recess

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 Relating to the Definition of Passamaquoddy Indian Territory
S.P. 780 L.D. 2010
(H "A" H-1098)

Which 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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Assistance to Maine Businesses
H.P. 1148 L.D. 1547
(C "A" H-949)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

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

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-949)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED**.)

On motion by Senator **HANDY** of Androscoggin, 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-949), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-639) to Committee Amendment "A" (H-949) **READ** and **ADOPTED**.

Committee Amendment "A" (H-949) as Amended by Senate Amendment "B" (S-639) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Safety Improvements at the Baxter School for the Deaf
S.P. 700 L.D. 1898
(C "A" S-538)

Tabled - April 7, 1994, by Senator **TITCOMB** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-538)**.)

(In House, March 31, 1994, **PASSED TO BE ENACTED**.)

On motion by Senator **CARPENTER** of York, 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**.

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" (S-538).

On further motion by same Senator, Senate Amendment "A" (S-621) to Committee Amendment "A" (S-538) **READ** and **ADOPTED**.

Committee Amendment "A" (S-538) as Amended by Senate Amendment "A" (S-621) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Training Equipment for the Maine Technical College System

H.P. 1442 L.D. 1968
(C "A" H-970)

Tabled - April 7, 1994, by Senator **TITCOMB** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-970)**, in concurrence.)

(In House, April 6, 1994, **PASSED TO BE ENACTED.**)

On motion by Senator **HANDY** of Androscoggin, 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-970), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-642) to Committee Amendment "A" (H-970) **READ** and **ADOPTED.**

Committee Amendment "A" (H-970) as Amended by Senate Amendment "A" (S-642) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

JOINT RESOLUTION - relative to Commemorating the 150th Anniversary of the Incorporation of the Town of Alton

H.P. 1487

Tabled - April 12, 1994, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION**

(In Senate, April 12, 1994, **READ.**)

(In House, April 12, 1994, **READ** and **ADOPTED.**)

Which was **ADOPTED**, in concurrence.

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

COMMUNICATIONS

The following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

April 12, 1994

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on 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 and H. "C" H-1090 to C. "A" H-1076):

Representative COLES of Harpswell
Representative ANDERSON of Woodland
Representative GOULD of Greenville

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

ENACTORS

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

An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee

H.P. 1083 L.D. 1449
(H "A" H-1105 to C
"A" H-951; H "A"
H-1063)

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1489

JOINT RESOLUTION MEMORIALIZING THE STATE LEGISLATURES OF THE UNITED STATES TO SUPPORT MILITARY AND CIVILIAN DUAL USE OF MILITARY FACILITIES

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the State Legislatures of the other 49 states of the United States, as follows:

WHEREAS, changes in national security interests have caused changes in the status of military facilities in the United States, to include closure, realignment and reduction in mission; and

WHEREAS, future changes are likely to occur that will further impact military facilities in the United States; and

WHEREAS, it is in the national security interest of the United States to preserve defense infrastructure during times of peace; and

WHEREAS, the closure, realignment or reduction in the mission of military facilities can have a long-term impact on national security, and

WHEREAS, the current base closure and realignment process discourages states, communities, workers and businesses from working in partnership to develop military and civilian dual-uses of military facilities; and

WHEREAS, it is in our national interest to address disincentives or barriers to military and civilian dual-use of military facilities, including disincentives caused by current base closure or realignment selection criteria; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that the State Legislatures of the United States individually convey the issues and concerns contained herein to their Congressional delegations, the House and Senate Armed Services Committees of the United States Congress, the President of the United States and the Secretary of Defense; and be it further

RESOLVED: That the State Legislatures of the United States advocate through their Congressional delegations for changes to the base closure and realignment process to provide incentives for military facilities to undertake military and civilian dual-use initiatives, including, but not limited to, positive military point value being assigned to military facilities that have undertaken dual-use planning to preserve physical infrastructure and workforce skills during times of peace; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Presiding Officers of the State Legislatures of the other 49 states of the United States.

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

Which was **READ**.

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

Senator HARRIMAN: Thank you Mr. President, Ladies and Gentlemen of the Senate. Allow me please just a moment to speak to you about the pending resolution. Before I do that, let me also remind you of the number of resolutions and joint orders that have come before us and my good friend and colleague behind me from Androscoggin, Senator Cleveland, has eloquently told us so many times about the ways these joint resolutions are received by our Congressional delegation and by the President and many times I couldn't help but agree with him. But today I think we have a much different issue to communicate to our federal delegation and the President. The joint resolution before you is to draw attention to Maine's heavy economic dependence on military bases. The risk we face of losing these bases in the future and the dire need to prepare ourselves now for any economic impacts or worker dislocations associated with the possibility of losing military bases in the future. Communities, like in my district, perhaps in your district as well who are heavily dependent on military bases, are in great need of preparing now for the future uses of any military facility, whether they plan to be closed or not. Unfortunately, in conversations that I have with people in my district about opportunities, in particular Brunswick Naval Air Station, I have this dream, this vision, if you will, that probably one of the finest naval air station infrastructures on the east coast is located in my district. Just a few miles down the road are the world's best shipbuilders. It seems to me that by combining the two, a well trained workforce and an infrastructure, there has to be an opportunity to bring those two assets together to create an industry, or an opportunity for an industry, to be centrally located literally in the middle of the global marketplace. Every time I try to advance these discussions in public, I am reminded that if we say too much the base closure commission is going to have reason to put us on their target. We need to get beyond that thinking. We need to create the opportunity for state government, municipalities, the economic conversion project and others who have an interest in creating opportunities for Maine's workforce, to be free to move forward on dual uses of our military facilities. So the joint resolution

before you this evening reminds our Congressional delegation and the President of our need to do this pre-planning and seeks their assistance in assuring us that these types of planning activities will not jeopardize our standing with the base closure commission and I urge your support. Thank you

Which was **ADOPTED**, in concurrence.

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. 1490

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO SUPPORT MILITARY AND CIVILIAN DUAL-USE OF MILITARY FACILITIES

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the members of Maine's Congressional Delegation, as follows:

WHEREAS, changes in national security interests have caused changes in the status of military facilities in the United States, to include closure, realignment and reduction in mission; and

WHEREAS, future changes are likely to occur that will potentially affect military facilities in Maine; and

WHEREAS, it is in the national security interest of the United States to preserve defense infrastructure during times of peace; and

WHEREAS, the closure, realignment or reduction in the mission of military facilities may have a long-term impact on national security; and

WHEREAS, military and civilian dual-use planning for military facilities is an effective method to preserve physical infrastructure and labor-force skills; and

WHEREAS, the current base closure and realignment process discourages the State, communities, workers and businesses from working in partnership to develop military and civilian dual uses of military facilities; and

WHEREAS, it is in our national interest to address disincentives or barriers to military and civilian dual use of military facilities, including disincentives caused by the base closure or realignment selection criteria; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge Maine's Congressional Delegation to convey the concerns contained in this memorial to the House Armed Services Committee and the Senate Armed Services Committee of the United States Congress, the President of the United States and the Secretary of Defense; and be it further

RESOLVED: That Maine's Congressional Delegation advocate for changes to the base closure and realignment process to provide incentives for communities and military facilities to undertake military and civilian dual-use initiatives, including, but not limited to, positive military point value being assigned to military facilities that have undertaken dual-use planning to preserve physical infrastructure and work-force skills during times of peace; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and 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.**)

Senator **PEARSON** moved to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Senate at Ease

Senate called to order by the President.

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to withdraw his motion to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

On further motion by same Senator, 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-963) as Amended by House Amendment "C" (H-1086) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-597) to Committee Amendment "A" (H-936) **READ** and **ADOPTED**.

Committee Amendment "A" (H-936) as Amended by Senate Amendment "A" (S-597) and House Amendment "C" (H-1086) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **BERUBE** of Androscoggin, **RECESSED** until 6:00 this evening.

After Recess

Senate called to order by the President.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws

H.P. 1100 L.D. 1487
(C "A" H-942)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-942)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED**.)

On motion by Senator **LAWRENCE** of York, 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-942), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-600) to Committee Amendment "A" (H-942) **READ** and **ADOPTED**.

Committee Amendment "A" (H-942) as Amended by Senate Amendment "A" (S-600) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Modify the Taxation of Leases on Automobiles

S.P. 545 L.D. 1570
(C "A" S-527)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)**.)

(In House, March 31, 1994, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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**.

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" (S-527).

On further motion by same Senator, Senate Amendment "A" (S-625) to Committee Amendment "A" (S-527) **READ** and **ADOPTED.**

Committee Amendment "A" (S-527) as Amended by Senate Amendment "A" (S-625) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Make Modifications to Economic Development Activities

S.P. 552 L.D. 1576
(C "A" S-422)

Tabled - March 22, 1994, by Senator **FOSTER** of Hancock.

Pending - **ENACTMENT**

(In Senate, March 3, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422).**)

(In House, March 10, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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" (S-422).

On further motion by same Senator, Committee Amendment "A" (S-422) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-611) **READ** and **ADOPTED.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify Maine Election Laws

H.P. 1201 L.D. 1609
(S "A" S-557 to C
"A" H-947)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-947) AS AMENDED BY SENATE AMENDMENT "A" (S-557)** thereto.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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-947) as Amended by Senate Amendment "A" (S-557) thereto.

On further motion by same Senator, Senate Amendment "B" (S-612) to Committee Amendment "A" (H-947) **READ** and **ADOPTED.**

Committee Amendment "A" (H-947) as Amended by Senate Amendments "A" (S-557) AND "B" (S-612) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Structure of Veterans' Services

S.P. 583 L.D. 1627
(C "A" S-397; S "A"
S-411)

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

Pending - **ENACTMENT**

(In Senate, February 18, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397) AND SENATE AMENDMENT "A" (S-411).**)

(In House, March 1, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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" (S-397).

On further motion by same Senator, Senate Amendment "A" (S-623) to Committee Amendment "A" (S-397) **READ** and **ADOPTED.**

Committee Amendment "A" (S-397) as Amended by Senate Amendment "A" (S-623) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning Level I and Level II Educational Technicians
H.P. 1212 L.D. 1631
(C "A" H-811)

Tabled - March 25, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate March 24, 1994, **PASSED TO BE ENACTED,** in concurrence. Subsequently, **RECONSIDERED.**)

(In House, March 24, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-811), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-604) to Committee Amendment "A" (H-811) **READ** and **ADOPTED.**

Committee Amendment "A" (H-811) as Amended by Senate Amendment "A" (S-604) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998
S.P. 601 L.D. 1699
(C "A" S-430)

Tabled - March 22, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430).**)

(In House, March 22, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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" (S-430).

On further motion by same Senator, Committee Amendment "A" (S-430) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-610) **READ** and **ADOPTED.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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)

Tabled - March 22, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 10, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-794)**, in concurrence.)

(In House, March 22, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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, Senate Amendment "A" (S-630) **READ** and **ADOPTED.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Health and Social Services Transition Team

H.P. 1330 L.D. 1793
(C "A" H-1008)

Tabled - April 6, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1008)**, in concurrence.)

(In House, April 6, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-1008), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-644) to Committee Amendment "A" (H-1008) **READ** and **ADOPTED.**

Committee Amendment "A" (H-1008) as Amended by Senate Amendment "B" (S-644) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Strengthen the Maine Bottle Deposit Laws

H.P. 1343 L.D. 1810
(C "A" H-839)

Tabled - March 28, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839)**, in concurrence.)

(In House, March 28, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-839), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-605) to Committee Amendment "A" (H-839) **READ** and **ADOPTED.**

Committee Amendment "A" (H-839) as Amended by Senate Amendment "A" (S-605) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Create Retirement Alternatives
 H.P. 1362 L.D. 1841
 (C "A" H-867; H "A"
 H-972)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867) AND HOUSE AMENDMENT "A" (H-972)**, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-867), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-606) to Committee Amendment "A" (H-867) **READ** and **ADOPTED.**

Committee Amendment "A" (H-867) as Amended by Senate Amendment "A" (S-606) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Provide Funding to the Maine Criminal Justice Commission

H.P. 1370 L.D. 1854
 (C "A" H-770)

Tabled - March 22, 1994, by Senator **FOSTER** of Hancock.

Pending - **ENACTMENT**

(In Senate, March 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**, in concurrence.)

(In House, March 10, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-770), in concurrence.

On further motion by same Senator, Committee Amendment "A" (H-770) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-609) **READ** and **ADOPTED.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices

H.P. 1380 L.D. 1867
 (S "B" S-585 to C
 "A" H-1026)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026) AS AMENDED BY SENATE AMENDMENT "B" (S-585)** thereto.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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-1026) as Amended by Senate Amendment "B" (S-585) thereto.

On further motion by same Senator, Senate Amendment "D" (S-646) to Committee Amendment "A" (H-1026) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1026) as Amended by Senate Amendments "B" (S-585) and "D" (S-646) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts
S.P. 733 L.D. 1958
(H "A" H-1054 to C
"A" S-511)

Tabled - April 7, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511) AS AMENDED BY HOUSE AMENDMENT "A" (H-1054)** thereto, in concurrence.)

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

On further motion by same Senator, 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**.

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" (S-511) as Amended by House Amendment "A" (H-1054) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-629) to Committee Amendment "A" (S-511) **READ** and **ADOPTED**.

Committee Amendment "A" (S-511) as Amended by House Amendment "A" (H-1054) and Senate Amendment "A" (S-629) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Establish a New Valuation on Sears Island
S.P. 703 L.D. 1900
(C "A" S-451)

Tabled - March 25, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)**.)

(In House, March 24, 1994, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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**.

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" (S-451).

On further motion by same Senator, Senate Amendment "A" (S-608) to Committee Amendment "A" (S-451) **READ** and **ADOPTED**.

Committee Amendment "A" (S-451) as Amended by Senate Amendment "A" (S-608) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Establish a Commission on the Future of Maine's Paper Industry

S.P. 773 L.D. 1996
(H "A" H-1048; S
"A" S-582)

Tabled - April 7, 1994, by Senator **PEARSON** of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1048) AND SENATE AMENDMENT "A" (S-582).**)

(In House, April 7, 1994, **FINALLY PASSED.**)

On further motion by same Senator, 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.**

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** Senate Amendment "A" (S-582).

On further motion by same Senator, Senate Amendment "A" (S-625) to Senate Amendment "A" (S-582) **READ** and **ADOPTED.**

Senate Amendment "A" (S-582) as Amended by Senate Amendment "A" (S-625) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws

H.P. 665 L.D. 903
(C "A" H-953)

Tabled - April 5, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953),** in concurrence.)

(In House, April 5, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-953), in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-645) to Committee Amendment "A" (H-953) **READ** and **ADOPTED.**

Committee Amendment "A" (H-953) as Amended by Senate Amendment "C" (S-645) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

Senate at Ease

Senate called to order by the President.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Eliminate the Sales Tax on Snack Foods
H.P. 560 L.D. 757
(H "A" H-927; H "B"
H-929 to C "A"
H-833)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833) AS AMENDED BY HOUSE AMENDMENTS "A" (H-927) AND "B" (H-929)** thereto, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate

S.P. 417 L.D. 1326
(C "B" S-387; H "A"
H-730)

Tabled - February 23, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, February 15, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-387) AND HOUSE AMENDMENT "A" (H-730)**, in concurrence.)

(In House, February 18, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning the Mahogany Quahog Tax
S.P. 571 L.D. 1619
(C "A" S-388)

Tabled - February 23, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, February 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-388).**)

(In House, February 18, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Reinststate the State Eye Care Program
S.P. 576 L.D. 1620
(C "A" S-477)

Tabled - March 25, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-477).**)

(In House, March 24, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Fairness Among Various Types of Counselors
H.P. 1209 L.D. 1628
(C "A" H-905)

Tabled - April 1, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-905)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Assistance to Homeowners Who Have Faulty Septic Systems
H.P. 1245 L.D. 1672
(C "A" H-866)

Tabled - March 28, 1994, by Senator PEARSON of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-866)**, in concurrence.)

(In House, March 28, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve, Directing the Bureau of General Services to Study the Capitol Complex

S.P. 640 L.D. 1774
(C "A" S-467)

Tabled - March 25, 1994, by Senator PEARSON of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-467).**)

(In House, March 24, 1994, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a Technical College in York County

H.P. 1313 L.D. 1775
(H "A" H-989 to C "A" H-851)

Tabled - April 6, 1994, by Senator PEARSON of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851) AS AMENDED BY HOUSE AMENDMENT "A" (H-989)** thereto, in concurrence.)

(In House, April 6, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Require a Study of Solicitation Sales Fraud

S.P. 670 L.D. 1838
(H "A" H-932 to C "A" S-453)

Tabled - March 31, 1994, by Senator PEARSON of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453) AS AMENDED BY HOUSE AMENDMENT "A" (H-932)** thereto, in concurrence.)

(In House, March 31, 1994, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement

H.P. 1387 L.D. 1886
(H "A" H-978 to C "A" H-853)

Tabled - April 5, 1994, by Senator PEARSON of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-978)** thereto, in concurrence.)

(In House, April 5, 1994, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and
Accompanying Papers **INDEFINITELY POSTPONED** in
NON-CONCURRENCE.

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

On motion by Senator **PEARSON** of Penobscot, the
Senate removed from the **SPECIAL APPROPRIATIONS**
TABLE the following:

An Act to Establish Maine Quality Centers
S.P. 728 L.D. 1949
(C "A" S-579)

Tabled - April 7, 1994, by Senator **PEARSON** of
Penobscot.

Pending - **ENACTMENT**

(In Senate, April 6, 1994, **PASSED TO BE**
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(S-579).)

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

On further motion by same Senator, Bill and
Accompanying Papers **INDEFINITELY POSTPONED** in
NON-CONCURRENCE.

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

On motion by Senator **PEARSON** of Penobscot, the
Senate removed from the **SPECIAL APPROPRIATIONS**
TABLE the following:

An Act to Create the Maine Health Care Authority
H.P. 1460 L.D. 1985

Tabled - March 25, 1994, by Senator **PEARSON** of
Penobscot.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE**
ENGROSSED, in concurrence.)

(In House, March 25, 1993, **PASSED TO BE**
ENACTED.)

On further motion by same Senator, Bill and
Accompanying Papers **INDEFINITELY POSTPONED** in
NON-CONCURRENCE.

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

On motion by Senator **PEARSON** of Penobscot, the
Senate removed from the **SPECIAL APPROPRIATIONS**
TABLE the following:

An Act to Enable Parents to Retain Custody in
Voluntary Placements

H.P. 1377 L.D. 1864
(C "A" H-902)

Tabled - March 29, 1994, by Senator **FOSTER** of
Hancock.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE**
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-902), in concurrence.)

(In House, March 29, 1994, **PASSED TO BE**
ENACTED.)

On further motion by same Senator, Bill and
Accompanying Papers **INDEFINITELY POSTPONED** in
NON-CONCURRENCE.

(See Action Later Today)

Senator **CARPENTER** of York 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 President.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator **PEARSON** of Penobscot, the
Senate removed from the **SPECIAL APPROPRIATIONS**
TABLE the following:

An Act to Amend the Harness Racing Laws
 H.P. 1243 L.D. 1670
 (H "D" H-1003; H "F"
 H-1095 to C "A"
 H-948)

Tabled - April 12, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1003) AND "F" (H-1095)**, in concurrence.)

(In House, April 12, 1994, **PASSED TO BE ENACTED**.)

Senator **HANDY** of Androscoggin requested a Division.

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 **ENACTMENT**.

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

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, BRANNIGAN, CAREY, CIANCHETTE, CONLEY, ESTY, FOSTER, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CARPENTER, CLEVELAND, GOULD, HALL, HANDY, LUDWIG, MARDEN**

ABSENT: Senators None

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

S.P. 653 L.D. 1822
 (C "A" S-515)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)**.)

(In House, April 7, 1994, **FINALLY PASSED**.)

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a parliamentary inquiry please. In reference to the Joint Rules, number 10, on a conflict of interest, if I may quote, "No member shall be permitted to vote on any question in either branch of the legislature or in Committee whose private right, as distinct from the public interest, is immediately involved." I am curious as to any member in the chamber who may have an active interest in the retirement system as to whether it would be allowed for them or myself, being an active member, to vote. Thank you.

THE PRESIDENT: The Chair would inform the Senator the greater good of the State as a whole takes precedence and that individual Senators do not derive any pecuniary measures from the actions taken in this body on this issue.

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 **FINAL PASSAGE**.

A vote of Yes will be in favor of **FINAL PASSAGE**.

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, BERUBE, BRANNIGAN, BUSTIN, CAHILL, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, GOULD, HALL, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BUTLAND, CARPENTER, FOSTER, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER**

ABSENT: Senators None

This being a Constitutional Amendment and having received the affirmative vote of 23 Members of the Senate, with 12 Senators having voted in the negative, and 23 being less than two-thirds of the Membership present and voting, the Resolution **FAILED** of **FINAL PASSAGE** in **NON-CONCURRENCE**.

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

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize a Department of Inland Fisheries and Wildlife Bond Issue of \$10,000,000 for Fish Hatcheries

H.P. 1301 L.D. 1756
(H "A" H-1037 to C
"A" H-962)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962) AS AMENDED BY HOUSE AMENDMENT "A" (H-1037)** thereto, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

This being a Bond Authorization Act, and having received the affirmative vote of 30 Members of the Senate, with 4 Senators having voted in the negative and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Capping of Municipal Solid Waste Landfills

S.P. 696 L.D. 1894
(H "B" H-1043 to C
"A" S-535)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-535) AS AMENDED BY HOUSE AMENDMENT "B" (H-1043)** thereto, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

This being a Bond Authorization Act and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$23,300,000 to Improve Rail and Port Facilities and Make Improvements at State and Municipal Transportation Facilities

S.P. 697 L.D. 1895
(H "A" H-1068 to S
"A" S-540)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-540) AS AMENDED BY HOUSE AMENDMENT "A" (H-1068)** thereto, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Is this bond authorized to go on the ballot in June or November? Is there somebody who can answer that for me please. Thank you.

THE PRESIDENT: The Senator from Franklin, Senator Webster, 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. An amendment was attached to this Bond issue earlier today that would have this bond issue, as well as the others, go out in November. Thank you.

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 3 Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator **HANDY** of Androscoggin moved that the Senate extend to 11:00 p.m. pursuant to Joint Rule 12.

Senator **LUTHER** of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Improve the Academic Facilities of the University of Maine System
S.P. 718 L.D. 1940
(H "B" H-1069 to C
"A" S-539)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-539) AS AMENDED BY HOUSE AMENDMENT "B" (H-1069)** thereto, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

This being a Bond Authorization Act and having received the affirmative vote of 28 Members of the Senate, with 7 Senators having voted in the negative, and 28 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator **BEGLEY** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Point of parliamentary procedure Mr. President, is the motion before us to extend to 11:00 subject to Joint Rule 12 requiring a two-thirds vote in order for the motion to pass?

THE PRESIDENT: The Chair would answer in the affirmative.

Senate at Ease

Senate called to order by the President.

Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Off Record Remarks

Senator **HANDY** of Androscoggin 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.

Off Record Remarks

THE PRESIDENT: Senator **HANDY** of Androscoggin has moved to extend to 11:00 p.m. Pursuant to Joint Rule 12, the affirmative vote of two-thirds of the members present and voting is necessary to transact business after 9:00 p.m. 25 Senators having voted in the affirmative, and 7 Senators in the negative, and 25 being more than two-thirds of the membership present and voting, on motion by Senator **HANDY** of Androscoggin the following proceedings were conducted after 9:00 p.m. and will continue until 11:00 p.m.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

HELD BILL

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

Senator **PEARSON:** Thank you Mr. President. Is the Senate in possession of L.D. 1864?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

An Act to Enable Parents to Retain Custody in Voluntary Placements
H.P. 1377 L.D. 1864
(C "A" H-902)

(In Senate, April 12, 1994, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, March 29, 1994, **PASSED TO BE ENACTED**.)

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **INDEFINITELY POSTPONED** Bill and Accompanying Papers in **NON-CONCURRENCE**.

The same Senator requested and received Leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Access for People with Disabilities"

H.P. 1321 L.D. 1783
(H "A" H-1074 to C
"A" H-894)

In Senate, April 8, 1994, **FINALLY PASSED**, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1488.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1074) AND "B" (H-1111)** thereto, in **NON-CONCURRENCE**.

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

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

ENACTORS

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

Resolve

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (Governor's Bill)
S.P. 776 L.D. 2003
(S "A" S-590)

Senate at Ease

Senate called to order by the President.

**COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	8
Unanimous reports	6
Ought to Pass	2
Ought to Pass as Amended	2
Ought Not to Pass	2
Divided reports	0
Pursuant to Statute	2

Respectfully submitted,

S/John J. Cleveland S/Phyllis R. Erwin
Senate Chair House Chair

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

The Following Communication:

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

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	44
Unanimous reports	32
Ought to Pass	2
Ought to Pass as Amended	23
Ought Not to Pass	7
Divided reports	10
Pursuant to Joint Order	2

Respectfully submitted,

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

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

The Following Communication:

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

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Business Legislation during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	21
Unanimous reports	17
Ought to Pass	0
Ought to Pass as Amended	8
Ought Not to Pass	8
Rereferred	1
Divided reports	4

Respectfully submitted,

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

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

The Following Communication:

**JOINT SELECT COMMITTEE ON CORRECTIONS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Corrections during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		12
Unanimous reports		12
Ought to Pass	0	
Ought to Pass as Amended	9	
Ought Not to Pass	3	
Divided reports		0

Respectfully submitted,

S/Beverly Miner Bustin S/Anne M. Larrivee
Senate Chair House Chair

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

The Following Communication:

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

April 8, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		49
Unanimous reports		43
Ought to Pass	2	
Ought to Pass as Amended	26	
Ought Not to Pass	14	
Rereferred	1	
Divided reports		4
Pursuant to Joint Order		2

Respectfully submitted,

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

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

The Following Communication:

**COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		10
Unanimous reports		8
Ought to Pass	0	
Ought to Pass as Amended	5	
Ought Not to Pass	3	
Divided reports		2

Respectfully submitted,

S/M. Ida Luther S/Dorothy A. Rotondi
Senate Chair House Chair

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

The Following Communication:

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

April 8, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Housing and Economic Development during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		17
Unanimous reports		16
Ought to Pass	1	
Ought to Pass as Amended	10	
Ought Not to Pass	5	
Divided reports		0
Pursuant to Joint Order		1

Respectfully submitted,

S/Rochelle M. Pingree
Senate Chair

S/Rita B. Melendy
House Chair

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

The Following Communication:

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

April 8, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Human Resources during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		43
Unanimous reports		39
Ought to Pass	2	
Ought to Pass as Amended	23	
Ought Not to Pass	14	
Divided reports		4

Respectfully submitted,

S/Judy A. Paradis
Senate Chair

S/Sharon Anglin Treat
House Chair

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

The Following Communication:

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

April 7, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		73
Unanimous reports		58
Ought to Pass	0	
Ought to Pass as Amended	25	
Ought Not to Pass	32	
Rereferred	1	
Divided reports		12
Pursuant to Joint Order		3

Respectfully submitted,

S/Gerard P. Conley
Senate Chair

S/Constance D. Cote
House Chair

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

The Following Communication:

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

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		11
Unanimous reports		7
Ought to Pass	0	
Ought to Pass as Amended	3	
Ought Not to Pass	4	
Divided reports		4

Respectfully submitted,

S/James R. Handy
Senate Chair

S/Richard P. Ruhlin
House Chair

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

The Following Communication:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	50
Unanimous reports	31
Ought to Pass	3
Ought to Pass as Amended	15
Ought Not to Pass	13
Divided reports	10
Pursuant to Joint Order	8
Pursuant to Joint Rule 13	1

Respectfully submitted,

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

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

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

COMMUNICATIONS

The Following Communication:

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

April 12, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Education during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	34
Unanimous reports	30
Ought to Pass	3
Ought to Pass as Amended	14
Ought Not to Pass	13
Divided reports	4

Respectfully submitted,

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

The Following Communication:

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

April 12, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	33
Unanimous reports	27
Ought to Pass	1
Ought to Pass as Amended	15
Ought Not to Pass	11
Divided reports	6

Respectfully submitted,

S/John E. Baldacci
Senate Chair

S/Susan E. Dore
House Chair

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

The Following Communication:

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

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		25
Unanimous reports		25
Ought to Pass	0	
Ought to Pass as Amended	17	
Ought Not to Pass	8	
Divided reports		0

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

April 12, 1994

Respectfully submitted,

S/Joseph C. Brannigan
Senate Chair

S/William B. O'Gara
House Chair

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

Dear Madam Secretary:

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

House Paper 1418, Legislative Document 1932, AN ACT to Reestablish a Mechanism for Review of Disputed Elections, 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?'

The Following Communication:

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

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

April 6, 1994

Respectfully,

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

S/Joseph W. Mayo
Clerk of the House

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

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Utilities during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

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

Total number of bills		45
Unanimous reports		38
Ought to Pass	0	
Ought to Pass as Amended	23	
Ought Not to Pass	15	
Divided reports		7

COMMUNICATIONS

The Following Communication:

Respectfully submitted,

S/Harry L. Vose
Senate Chair

S/Herbert E. Clark
House Chair

April 12, 1994

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

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

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

Dear Madam Secretary:

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

House Paper 1311, Legislative Document 1766, AN ACT to Ensure Appropriate and Equitable Penalties for Violation of Electoral Laws, 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?'

COMMUNICATIONS

The Following Communication:

Seventy-three voted in favor and fifty-six 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**.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the Tabled and Later Assigned (4/11/94) matter:

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

S.P. 778 L.D. 2008
(S "A" S-615)

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

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

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

(In Senate, April 11, 1994, Senate Amendment "A" (S-615) **READ** and **ADOPTED**.)

(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 **CONLEY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-615).

On further motion by same Senator, Senate Amendment "A" (S-634) to Senate Amendment "A" (S-615) **READ**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment to the tax credit bill deals with a very specific portion of that bill. Essentially what this amendment would do is to remove a retroactive application section. It was actually some time around this same time at night last Friday when we first started talking about this bill and it has

actually taken me from then to now to kind of get a feel for what it means. I still don't know if I actually understand everything that is in this bill. I do understand this retroactive provision which is why I've offered this amendment. I do not believe that anybody in this chamber would disagree with the retroactive provision of this bill, it is in there solely for the benefit of one taxpayer and that would be Hannaford Brothers of Maine. The reason this is in here is because that tax payer claims that for a three year period they were taking a tax credit in the amount of \$300,000 which, given my math, adds up to \$900,000. They have been taking that credit probably since 1984 and sometime last year the tax assessor, Mr. LaFaver, who has joined us here tonight, determined that this tax credit was being taken inappropriately. Now, you'll hear an argument. The people who are involved with this matter have been working diligently to see that their point of view has been presented, of which they are quite capable of doing. You'll hear an argument that Hannaford Brothers was given advice by the Taxation Bureau, that this is OK, you take this particular credit. Well, I think that is a little bit of maneuvering on the facts in this situation. I can pose it to you as this, not that any of us understand taxation issues, but I think I could use this example to explain it. The good Secretary of the Senate has a great dog named Boomer, believe me she treats this dog better than most of us would treat our kids. This dog does very, very well. Now let's say that the good Secretary of the Senate says "I like this dog so much that Boomer, and I spend so much on you, I'm going to put you on my tax return for a couple of years and grab that \$2,800 that the federal government says we can have for an exemption". \$2,800 a year. Well let's say that goes along for twelve years and nobody catches it, nobody says a thing, and then finally an auditor takes a look, maybe for the third or fourth time at this and says "Boomer, the last person that was doing this audit said Boomer Esiason, great quarterback, everybody has someone named Boomer". Finally, somebody looks at this and says "It's a dog". Well, that's what happened here. The Taxation Bureau, because they went out and I know people have been around here remember this, let's hire some new auditors. We'll get some more money. We're going to send those auditors out there to find this dough. Every year that I have been here I have seen it. God strike me dead. That's a great idea. Let's find some money for the state. Well gee, they go out and find some. The first thing that happens is that someone wants to come in here and have it forgiven. That's just what happened here. Someone goes down a check list, boom, boom, boom. It looks like it complies. Finally somebody, who is maybe getting paid a little more money, maybe has a little extra time, goes down and says "hey, what's up with this". This tax credit was never designed for these people. So, the good people who come up here and help us bash some of our laws, not sitting in these chairs, but sitting in some of the other chairs around, people I like. I like Hannaford Brothers. Their beer is cold, very cold. Their ice cream, not as good as Stickney's brand, but not bad, it's not bad at all, and they treat people nicely when you go in there. They are a good bunch of people. But, if you or I made a mistake on our taxes, let me tell you something, we wouldn't be getting this break. We wouldn't have people running around here, running downstairs drafting tax bills, which I might suggest to you are not necessarily in the best interest of the people of this state. You and I would sit in these chairs. These guys and women are good people. They are wonderful people and I like many of them individually, but their job is to

take care of other people, not our people. Now this costs \$900,000. If the good tax assessor had been able to hand out an assessment on this, like I know he'd like to do, this money would be booked and this amendment would then go to the table and we'd have to come up with the money to fund it but instead the powers that be, with things swirling around, no action has been taken so there is no fiscal note. People get to run around here and get the job done the old fashioned way. Well I ask you to look into your conscience. You represent 35,000 people just like I do. The good Senator from Oxford was talking about AFDC this morning and I resisted the temptation to get up. My district has the most AFDC recipients in the state. I am here to represent them. A lot of times around here I know people don't take me very seriously, they take what I say with a grain of salt, but I am here for those people. \$900,000 would come in handy for them and for a lot of people in your district that maybe you represent. They don't have the money to hire people to come up here and take care of their business.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to ask you to oppose the pending amendment. Before I go in to my own speech I'd like to say that I enjoy the Senator from Cumberland, Senator Conley, in fact I hope I never find myself in the situation where I need legal counsel, but should I, I would love to have Senator Conley be my legal counsel. I don't know how well it would all work out but I think we'd all be in a good mood afterwards. He does a nice job but nevertheless I do think Senator Conley has his facts not quite straight. The argument that he has put forth is one which indicates that Hannaford Brothers is applying for a retroactive tax credit. That's not the case. They have already been issued the credit. They were issued the credit three or four years ago. It's the state that is now coming back and trying to retroactively remove the credit from them. I would like to call the Senate's attention to a piece of correspondence that I have here in my hand dated 27 January 1989 written to Hannaford Brothers from Bertrand L. St. Germaine, the Director of the Audit Division, of the Bureau of Taxation. I quote "We have completed an examination of your business records relative to the taxes indicated below. Based on an analysis of the information reviewed, your business has maintained an accurate accounting of tax liability for the period noted below opposite the tax checked." The taxes checked is a jobs and investment credit. The years they are referring to are fiscal years beginning 12/29/84, 12/28/85 and 1/3/87. "Please be aware that this does not constitute closure of the period to the audit, however, the recent review of the investment and jobs tax credit per the amended 1120 Maine Form Returns for tax years 12/29/84, 12/28/85 and 1/3/87 resulted in a verification that the credits were allowable without any adjustments." I'd like to call the Senate's attention to a second memo from the Bureau of Taxation written to Hannaford Brothers dated 12 January 1993. "Gentlemen, we have completed an examination of your business records relative to the taxes indicated below based on an analysis of the information reviewed. Your business has maintained an accurate accounting of tax liability for the period noted below opposite the tax checked." The tax checked is income tax. Once again it is signed by Bertrand L. St. Germaine, Director of the Audit Division. The amendment before you, I believe, would set an awful precedent and I would hope this body

rejects it and I would be happy to share the information that I have in my hands with any member in this body who so cares to review this information but based upon the information I have just read into the record, I urge this body to reject the pending amendment.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have the same information that the previous speaker had provided to me by the attorney/lobbyist for Hannaford Brothers. I was pleased to read it and get a grasp of the issue far more in depth than I really needed to because there is a real fundamental issue that I get to even before I look at this. It's a question that we often ask in Legal Affairs to many of you and to many of your constituents who bring to us resolves which are claims against the state. That question is, and it is a fundamental one, have you exhausted all appeals? Have you exhausted your avenue of appeals to the Judicial system? The answer is no. This member of that Committee as well as others will not be supporting that kind of a claim against the state. The same question has to be asked here. I spoke with the people in the lobby who represent Hannaford Brothers and they said there is no ongoing appeal. If this bill passes there surely will be no appeal. All we have to do is put the brakes on, let that administrative appeals process take place, see what that turns up, if it's not to the benefit of Hannaford Brothers or to their liking, they have another avenue that we all have available to us. That is the route of making an appeal through the courts. The people I represent, the working men and women that I represent, just as my good colleague from Cumberland, Senator Conley, says probably would not be afforded that opportunity and I must say, to take that one step forward, I doubt that they'd be afforded the kind of opportunity that this company is being afforded in this very chamber. We are back to the same principal of basic fairness. Let them exhaust their appropriate avenues of appeal to the administrative structure, the Bureau of Taxation, let them utilize the avenues available to them through the Judicial branch and then, and only then, if they fail to get satisfaction, let them come here and let us consider it under those circumstances. Thank you, Mr. President.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I serve as Chairman of the Legal Affairs Committee and what the good Senator from Androscoggin, Senator Handy, has said is true. We don't take up anything if it hasn't gone the full route. However, I would point out to you that even after it has gone the full route and we are the last chance that anybody has, we still turn them down for the simple reason that the Attorney General's office simply does not want to go to court and defend anything they did at the level of the Departments.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CONLEY** of Cumberland, to **ADOPT** Senate Amendment "A" (S-634) to Senate Amendment "A" (S-615).

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.

7 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **CONLEY** of Cumberland to **ADOPT** Senate Amendment "A" (S-634) to Senate Amendment "A" (S-615), **FAILED**.

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "C" (S-640) to Senate Amendment "A" (S-615) **READ**.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment to this bill requires that any company getting this tax credit offer health insurance benefits to each job that they create at a minimal benefit level of the standard plan as defined in the small group market by the Superintendent of Insurance. I have just passed out to you this highly sophisticatedly drawn diagram that shows the reason why we must pass this amendment. If we create more jobs without health insurance we enter a vicious circle that will only result in the increase of health insurance costs to businesses and families who are currently paying for it. Increased jobs without health insurance creates more uncompensated care, which creates higher premiums, which causes our businesses, like mine and yours who are currently doing their bit and paying health insurance benefits for their workers, to have to pay more. So I took this bill at its face value. If you read the original bill, there is a section where we ruled out any retail facility that might cause a deleterious effect to any other business in the state and I say to you if we pass this bill without this amendment attached, we will absolutely increase the health insurance costs of business and families in the state. So I urge the passage of this bill.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I faithfully disagree with the good Senator from Kennebec, Senator McCormick, about her premise and about her resultant theory in regards to health care insurance premiums in this particular diagram that has been distributed. Mr. President, I would move the Indefinite Postponement of this Amendment and request a Division.

Senator **BALDACCI** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-640) to Senate Amendment "A" (S-615).

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BALDACCI** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-640) to Senate Amendment "A" (S-615).

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.

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BALDACCI** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-640) to Senate Amendment "A" (S-615), **PREVAILED**.

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "B" (S-635) to Senate Amendment "A" (S-615) **READ**.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be even briefer than the last time. This amendment merely states that those entities who wish to have the tax payers money need to make their tax returns available to the public as do all other entities that get the tax payers money. Thank you.

Senator **MCCORMICK** of Kennebec requested a Division.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This provision was addressed by the Committee, was tried and compromised so that there is public disclosure. There is a compilation and an aggregate of companies by types, in the dollar amounts, it was a compromise that was struck by the Committee. I would only remind the Senate that there are many of us who file individual income tax returns that take a standard deduction or personal exemption or a child care tax credit that because we are, therefore, doing that that we could then foresay why not have our tax returns exposed to the public. I think this is too far in the wrong direction and I think we have to come back and fashion a different proposal. 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. Just to remind us all that we ask people on general assistance to bring in every receipt for every purchase they want to be reimbursed for. We ask people on AFDC to lay open their entire lives and yet we will give away \$500,000 without nary a care as to how it's being spent and I think that's wrong.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I take great umbrage with the fact that we are giving away anything. This is a job's tax credit. It requires the company to create 100 net new jobs. It requires the company to invest \$5,000,000, therefore, it then allows a company to take a credit against taxes owed. This is not giving anything to anybody but the State of Maine. It's very good tax policy for the State of Maine to be dropping down from 200 new jobs to 100 so that we are not forced to draw from outside the state this big company to come in but to take

care of the companies here in the State of Maine and to help them grow and to help the citizens of the State of Maine to have better jobs. That's what this legislation does. Thank you.

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-635) to Senate Amendment "A" (S-615).

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-635) to Committee Amendment "A" (S-615).

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.

25 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-635) to Senate Amendment "A" (S-615), **PREVAILED**.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to take a moment this evening to say there are a number of things in this bill that are good for the state, potentially good, reducing the number of jobs from 200 to 100 so that potentially more businesses can participate, by making the period of the job creation from one year to two years and by changing the definition of "retail" so that you tighten it up and we are not funding a bunch of retail outlets. Those are all positive and for those reasons I am supporting it. For those of you who may have looked at your amendments that are being delivered to you, you might have noted that I also prepared an amendment which I will not offer this evening because I feel it needs more time to be more fully developed. I do think there is a point we need to look at in the future and I wish to take just a moment to tell you what that is and that there is no "but for" language in this jobs creation proposal. There is no distinction between those companies that would and will and have created those jobs because it's the right business decision to do and it's the right place to do it and Maine is where they want to do it. Those individuals are simply eligible for the credit. Our resources in this state are not unlimited. We should help every single business that needs that kind of assistance to create those jobs in this state, that's why I support it this evening. But I don't think it's a wise policy to help anyone simply because they come along and they created and they would have done it regardless of whether they had any jobs credit or not. There was, one time in this country, hopefully still here, that businesses made decisions because they were good business decisions and they weren't required to have all sorts of government subsidies and promotions and incentives to create jobs. They did it because they were good business people, there was a good opportunity and they did it. My only objection is that in the future I think we could even improve this kind of legislation more if we targeted it to those individuals where it made a difference to them, where it was significant for those businesses to locate here, to stay here, expand here so that we could help

even more of those individuals. I will be supporting it this evening but I hope in the future that we take some time and some effort and that bills such as these don't come at the last hour in the late session when there is little time for careful review of them, where other members can participate so we can have an advertised public hearing where members of the public can make their comments known and we can craft law with a broader input, but for this evening I will support it but I certainly hope in the future we can improve on what we've done.

Senate Amendment "A" (S-615) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee in **NON-CONCURRENCE**.

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

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

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (Governor's Bill)
S.P. 776 L.D. 2003
(S "A" S-590)

Tabled - April 12, 1994, by Senator **ESTY** of Cumberland.

Pending - **FINAL PASSAGE**

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

(In Senate, April 7, 1994, **READ TWICE** and **PASSED TO BE ENGROSSED, as Amended** without reference to a Committee.)

(In House, April 12, 1994, **FINALLY PASSED**.)

Senate at Ease

Senate called to order by the President.

Resolve and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (Governor's Bill) S.P. 717 L.D. 1939

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-565)**

Tabled - April 12, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 1994, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, April 11, 1994, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565)** in **NON-CONCURRENCE**.)

(In Senate, April 12, 1994, the Senate **ADHERED**. Subsequently **RECONSIDERED**.)

On motion by Senator **AMERO** of Cumberland, the Senate **RECEDED** from its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

The same Senator moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in 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 would like to inquire if the gentlelady from Cumberland is intending to offer and amendment?

THE PRESIDENT: The Chair would answer in the affirmative.

On motion by Senator **AMERO** of Cumberland, the Senate **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (S-565) **READ**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-643) to Committee Amendment "A" (S-565) **READ**.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment increases the size of this bond issue to \$15,000,000, extends the length of the bond issue from five to ten years and reduces the operating costs from \$10,000,000 to \$1.4 million a year and by doing this we would be able to connect one half of all schools in Maine to the ITV system. I would urge your serious consideration of support for this bond issue. I believe it is the best possibility that we have of bringing equity to students in the rural and remote areas of the State of Maine. Thank you.

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

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-643) to Committee Amendment "A" (S-565).

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What we are being offered here is more money, more time, and a larger mortgage on the house and shutting off part of it to finance a half of project. I maintain and I have maintained all along it's too early to do this. We ought to wait at least a year or two to find out whether or not this can be done by somebody else or by some other company for free or for at least not the ongoing expenses that are inherent in this entire bond issue and this amendment in particular and I would ask for a division, Mr. President.

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

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is substantially the same bond issue that we rejected about two weeks ago. It has been tuned up or tuned down around the edges but there is one key component that keeps it from gaining my support. It should keep it from gaining your support as well. This service will be available to half the schools districts in the state. The great equalizer. A way of restoring equity that we don't have in our schools and I suppose it might, if you were in one of those schools that receives this service. But if you were not, what's offered to you is a promise of a bond issue a year from now or two years from now or three years from now or sometime in the future. It doesn't pass the straight face test because despite what some people can say about how the proposal will be drawn up and which school districts would be awarded this service, there is no way quite frankly that it can go to places where it is most needed without going through the places where it is least needed and unless we find a way to do it for everybody at once we shouldn't do it for anybody at all. At least not at this cost at this time. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-643) to Committee Amendment "A" (S-565).

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.

21 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-643) to Committee Amendment "A" (S-565), **PREVAILED**.

Senator **PEARSON** of Penobscot moved that the Senate **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I voted against the increase to \$15 million out of the point of view that the \$10 million was a start in this direction. I will still support the idea of a bond for \$10 million because of the possibility of supporting an educational idea. It is not the panacea, it is an experiment again to allow some areas of the state to receive education that they may not. I would support the bond issue at the \$10 million point but certainly not as I did on the \$15 million.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that the members of this body would allow the citizens of the state of Maine to vote on this very important issue and I ask for the yeas and nays.

Senator **AMERO** of Cumberland requested a Roll Call.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have never been so convinced in my entire legislative career that this is a reckless use of public's money. It is not necessary at this time. There is a possibility that it might be paid for by somebody else other than the state and we should not put this bill out to the people because it may be done by somebody else for nothing. That is the continuing cost and the hookups may be done by somebody else. The free market will determine that in the next year or two. This is not good fiscal policy to do this. This is reckless use of public money.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think whether or not you agree to the various bond issues that we have before us as one thing, but I happen to have a great deal of respect for the educational insight of the good Senator from Cumberland, Senator Amero, and I am convinced that she would not recklessly spend the state's money in order to fund this particular bond issue. We are putting a lot of issues out to bond, probably more than most of us would like to put out to bond in the November election but I can't believe that spending \$10 million dollars for bonding for ITV's for our public school system is any more reckless than spending \$10 million dollars for fish hatcheries. I think it's all where our priorities are and my priorities are with the schools and with the kids.

On motion by Senator **AMERO** 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 **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, MARDEN, PINGREE, SUMMERS, WEBSTER**

ABSENT: Senators None

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, with No Senators being absent, the motion by Senator **PEARSON** of Penobscot, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 613 L.D. 1711

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-632)**

Tabled - April 12, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 12, 1994, Report **READ.**)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-632) **READ** and **ADOPTED**.

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

On motion by Senator **SUMMERS** of Cumberland, Senate Amendment "B" (S-652) **READ**.

On motion by Senator **BALDACCI** of Penobscot, Tabled until Later in Today's Session, pending the motion by Senator **SUMMERS** of Cumberland to **ADOPT** Senate Amendment "B" (S-652).

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

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"

S.P. 390 L.D. 1185

Have had the same under consideration and ask leave to report that The Senate **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (S-454) as Amended by Senate Amendment "B" (S-513)** thereto. That the Senate **Recede** from **Adoption** of Committee Amendment "A" (S-454) as Amended by Senate Amendment "B" (S-513) thereto. That the Senate **Recede** from **Adoption** of Senate Amendment "B" (S-513) to Committee Amendment "A" (S-454) and **Indefinitely Postpone** the same. The the Senate **Indefinitely Postpone** Committee Amendment "A" (S-454). That the Senate **Read** and **Adopt** Conference Committee Amendment "A" (S-650) and **Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (S-650)**.

That the House **Recede** and **Concur**.

Signed on the part of the Senate:

Senator MCCORMICK of Kennebec
Senator CIANCHETTE of Somerset

Signed on the part of the House:

Representative KETTERER of Madison
Representative ST. ONGE of Greene
Representative CAMERON of Rumford

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

The Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) AS AMENDED BY SENATE AMENDMENT "B" (S-513)** thereto.

The Senate **RECEDED** from **ADOPTION** of Committee Amendment "A" (S-454) as Amended by Senate Amendment "B" (S-513) thereto.

The Senate **RECEDED** from **ADOPTION** of Senate Amendment "B" (S-513) to Committee Amendment "A" (S-454)

Senate Amendment "B" (S-513) to Committee Amendment "A" (S-454) **INDEFINITELY POSTPONED**.

Committee Amendment "A" (S-454) **INDEFINITELY POSTPONED**.

Conference Committee Amendment "A" (S-650) **READ** and **ADOPTED**.

The Bill **PASSED TO BE ENGROSSED AS AMENDED** by Conference Committee Amendment "A" (S-650).

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

On motion by Senator **CARPENTER** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Amend the School Funding Formula"
H.P. 682 L.D. 924

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1110)**.

Signed:

Senator:

O'DEA of Penobscot

Representatives:

PFEIFFER of Brunswick
 PINETTE of Fort Kent
 STEVENS of Orono
 OLIVER of Portland
 MITCHELL of Vassalboro
 NORTON of Winthrop
 SIMONDS of Cape Elizabeth

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

Signed:

Senator:

LAWRENCE of York

Representatives:

SMALL of Bath
 CLOUTIER of South Portland

Representative AULT of Wayne Abstained.

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110).**

Which Reports were **READ.**

On motion by Senator **O'DEA** of Penobscot the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-1110) **READ.**

On motion by Senator **AMERO** of Cumberland, Senate Amendment "B" (S-654) to Committee Amendment "A" (H-1110) **READ.**

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Last year the Education Committee worked to develop a plan to return to the funding formula principal over a two year period. Those principals that we planned to return to were those of looking at each community's property evaluation and looking at each community's enrollment. This is the second year of that two year proposal. We have identified in this second year of returning to the formula that there are some school districts that are very harshly hit by the return to the formula and that these districts would experience severe losses. This minority amendment and report tries to target the available funds to the hardest hit communities in the State of Maine by assuring that their percent of budget will not be effected by more than 2.3%. If a school district were experiencing a 20% loss in subsidy this year that loss would be reduced to 2.3%. It is, in my opinion, the best use of the funds that are available. I don't see any reason why a community that is losing .18% of its funds, a community like China which is losing \$7,000, should receive a hardship adjustment

of about \$5,000. Better to target, in my opinion, school districts like East Machias, like Skowhegan who are experiencing huge reductions in their subsidies as a percentage of their total budget. The other proposal for distributing funds looks at a straight percentage cut for those school districts that are going to receive increases this year in their subsidy and it looks at a straight percentage cut in the losses for those school districts which would be experiencing losses. It basically does not allow the formula to go back to working the way we would like to see it work. You will remember that back in 1991, then again in 1992 and then again in 1993 this legislature decided to move away from the formula, in fact in 1993, froze everything at the prior year's levels. What this did for lots of communities, particularly those who were growing in numbers of students, and also those school districts whose tax base was being eroded. Those school districts were not allowed to receive increased subsidies to meet the changing needs in their community because the formula was frozen in place. You will remember that back in the 1980's, particularly in the late 80's, certain parts of the state received a huge economic boom in real estate. Because our formula depends on real estate values those communities lost huge percentages of their budgets during those high inflationary years. The school funding formula has a two year lag so it takes two years for property value changes to make a dent in the school funding formula. About 1990 property values began to change as the recession hit and then in 1992 when those changes in property values should have been figured in to how we distribute funds for education, we went away from that formula and then even worse in 1993 we said we are going to freeze everything with the 1992 figures built in.

So now here we are in 1994 and we are just beginning to see the changes that have taken place across our state over the last three years in property values and we are also beginning to address the fact that the population is shifting in this state and that some areas are experiencing a great deal of growth in the numbers of their students and some parts of the state are experiencing a decline in enrollment. What we need to do is to allow our distribution method to be able to reflect those changes and when we make flat percentage cuts, like a 60/40, 70/30, 50/50 deal we don't allow for those changing conditions in our communities to be recognized through our funding formula. The proposal that I have before you in this amendment also caps the gains the communities would be able to receive for this fiscal year. It caps increases at 7% of total budget. For other school districts whose increases are less than 7%, they would experience a 10% decrease in their subsidies so that that money recovered from those caps could be used to help target the most severely hit communities in the State of Maine by reducing everybody's losses to 2.3% of their total budget and I know it's difficult to lose money in any school year in any school budget but 2.3% of total budget is not going to cause devastation for any school district in the State of Maine. It certainly is not a permanent solution. It is a solution that I hope you will give careful consideration to because in my opinion I believe it is the fairest approach with the money we have available.

I'd like to just list a few of the school districts that would be especially helped by this approach. One is Medway who is losing 10.94% of their total budget in losses from school subsidies. Vanceboro, which is losing 11.4%, SAD 4 7.7%, SAD 24

9.5%, SAD 27 7%, SAD 41 7.68%, SAD 54 7.8%, SAD 77 11.2%, East Range CSD 19%. Each of these school district's losses would be reduced to 2.3% of their total budget. Getting us to return to the principals of the formula recognizes that conditions are changing in the State of Maine and our school distribution formula should recognize those changes. It stops all losses at 2.37% of budget, recognizing that the severest hardships are a result of losing a high percentage of total budget in any one year. It wasn't right in the 1980's when school districts lost in some years 25 and 30% of their budget and received no cushion. It isn't right now either and that's what we are trying to do in this proposal is to target those losses. I think it's important that in the very near future that we do address the whole issue surrounding the school funding formula. We have had study after study after study, we've had reports that make many recommendations. I just finished working myself on an 18 month task force which came up with several recommendations for the Legislature. There was not the will nor was there the time this year to address in this session the major changes that need to take place in the funding formula. I for one believe that we need to look at income as a way of approaching the issue of how a community's ability to pay is determined. Property evaluation is certainly one method, however, income should be a consideration as well. Also considered should be high levels of poverty. That is not presently addressed in our school funding formula. Presently the only two factors are property evaluation and student count. We do need to have a plan but I'm sorry to say that that plan is going to have to wait for a future Legislature to address. Plenty of work has been done, there are a lot of good ideas and good suggestions on how we can get out of this morass that we have been in year after year and how to determine how the state's funds for education are distributed. Most important though is the whole issue of student equity. As long as we have had the present formula in place, one which is considered by experts across the country to be one of the fairest in the country, we have never yet been able to approach in any form the matter of student equity. I think that an approach which actually plans for and assures that all students in the State of Maine will have essential programs and essential services subsidized at some level by the State of Maine and supported. Until we are able to identify what it is that we are willing to pay for in this State and get away from the expenditure driven formulas that we presently have, we'll find ourselves every year in this same sort of debate. I urge for this year that the best approach we can come up with to patch this broken system that we have is to look at the stop loss amendment that I have proposed for your consideration and I urge your support. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator O'DEA: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you not to support the adoption of the amendment that was suggested by the Senator from Cumberland, Senator Amero. As you are by this point no doubt aware there are two school funding plans competing for your attention today. One of them is something that you heard a lot about called the 60/40 and there is another one floating around here called the Amero plan. Over the course of the past year and a half as we've discussed school funding and over the course of the past three or four months as we've discussed what we should do about this year, all of our conversations have fallen within a certain range and

they have all been geared towards one thing and that was trying to make sure that kids in schools around the state all had an equal opportunity to excel. There are any number of schools around the state unfortunately some of us represent them where children do not have the same opportunity to excel. This amendment does nothing to equalize that opportunity and I'll tell you why. This amendment says this "if you're a gaining school district and you are due to gain money, you get 90% of your money." That's reasonable and then it says "to the rest of you, if you are losing, well, we'll cap your losses at 2.37% of your total budget". They are very generous with 2.37% of my budget and pretty generous with themselves but what about equity? Now a couple of months ago some Superintendents, in fact all of the Superintendents of the State, got together and tried to come up with a plan that would provide the most amount of relief for the most people and the vast majority of the Superintendents said "we can live with the 70/30". What a 70/30 means is that if you are due to gain money and you get 70% of your money and if you are due to lose money you go 30% below and everyone said that's reasonable. The only problem was is that it cost \$10.5 million and we all know that we don't have \$10.5 million. So over the course of the next couple months as we looked at different ways to do this some people started talking about a 60/40 plan, not especially good for me. If I lost \$100,000 last year then I'm losing \$140,000 this year. No problem. It's within a range. And now we have this great alternative designed to promote equity in our schools. If you're a gainer you don't get 60, you don't get 70, no, you get 90. Fair to me if you're a gainer. But if you are not a gainer you can to lose up to 2.37% of your district's budget.

Well, there are no shortage of people around here, including the City of Portland's barrister who has been out in the hallways lobbying this bill for the past two days, buttonholing people, encouraging them to look at the print outs and appealing to the very worst in every one of you, which is to look at what's best for you. Not acceptable because the kids in this State from Kittery to Fort Kent are a state responsibility and funding their schools should be a state responsibility, not what's best for my town by \$7,000 and what's worse for your town by \$10,000. That's not what it's about. I suggested to some people a while back that it's frustrating to me because we always talk about education as a state responsibility not as a local responsibility. With this amendment we are finding ourselves pitting one community against another and it's not where we should be going. This amendment appeals to the worst in each of us. I found it interesting to hear the name of SAD #77 invoked in this discussion. East Machias, one of the single most poorest school districts in the state, represented by my seatmate, Senator Vose. My counterpart in the other body had a conversation with the Superintendent from up there today. She was aware that under the Amero plan her district did better. Do you know what she said? She said, "Go with 60/40 because it is better for more people". Think about that. The Superintendent out in Skowhegan, we've all bent over backwards trying to provide some relief for Skowhegan, said the same thing, "Go with 60/40 because it's better for more people". There is no shortage of plans around here that will benefit my district or your district that anyone of us could come up with a way to take care of our people, but if we are truly concerned with taking care of all of our people we will reject this amendment. This amendment takes care of half of our people. We need to share and make sure we are not undercutting the education in some districts around

the state. The people, it seems who are the most generous, are the people who have the fewest resources. It doesn't matter if it is out in Washington County or down in Skowhegan, those are the people who have offered up their money and said it's best for the most people. That's what I am interested in. I would urge you to reject this amendment so that we can adopt the 60/40 plan. It is the majority report.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask you to adopt this amendment to this bill. We had perhaps the most interesting and longest discussion I have ever had on a single issue in the Education Committee. We could not agree and nine members of the Education Committee wanted to go with a 60/40 plan and the minority of us reported out a different plan on a different basis. The reason for that is the 60/40 plan is an arbitrary plan. It takes an arbitrary number and assigns it to everyone without looking at their school budget, without looking at anything else. There is reasons why communities are gaining dollars under the formula, there are reasons why communities are losing under the formula. For example, one community that's going up 12% in its student population get's a gain under the formula because the state is contributing more to the education of those children. Communities that are losing in student population get less. Going with an arbitrary 60/40 will result in a windfall in those communities that are loosing student population and are still getting the money. It will cut short those students in districts where their student population is increasing. That's what I call pitting one community against each other. The amendment being offered is the amendment that does the most for the most students in this state. If you look at the districts that make out more equitably at this proposal and the number of students in those districts, you are helping the most students in this state. Take for example the district of the good Senator from Washington County, Senator Vose, his school districts stand to gain or will lose if you don't adopt this amendment, they will lose over a quarter of a million dollars that will be distributed to somebody else. The good Senator from Androscoggin, Senator Cleveland, his district will lose \$156,000 if this amendment is not adopted and that will go to somebody else and the reason why they stood to get that money was they had a change of conditions that required it. For example, the President of this body, the Senator from York County, Senator Dutremble, would go up over \$354,000 because one of his school districts, the one I mentioned, is getting 12% more students than they did two years ago. They are going to have to educate those students and unless we adopt this amendment they are not going to get the funding for it somebody else is going to get it, somebody who is losing in population. The good Senator from Cumberland, Senator Titcomb, stands to gain another \$156,000 and in Aroostook County people talk about a funding formula that benefits the poorest in this state. In Aroostook County, in Senator Paradis' district. Her school districts stand to get \$122,000, that they will lose they will lose to other communities if this amendment is not adopted. This is the only plan that bases on an idea of equity, any semblance of worthiness. Going with a 60/40 plan is an arbitrary cut to those communities that need it the most right now.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have heard the term equity used on both sides. The argument as to whether or not one is looking at his particular situation does not hold a great deal of water as far as I am concerned. The comment made that the Superintendents met and they said "Yes, we can live with the 70/30 plan". You can bet your life they were looking at their particular situation and not necessarily the entire state. I would like to go back somewhat to the point of view when we used the term equity, that I wish some six or eight years ago, that this term was used again and legislatures in the past had courage enough to stay with the original, equitable plan of a funding formula even though we went into a tailspin with some money. Instead of that, we compromised and once we compromised we lost any equity across the board. The plans that are proposed to us tonight are the plans that are going to bring us closer, I hope, back to that equitable situation of a funding formula based on what we had. From my observations, and that is not necessarily the greatest, my observation this amendment will bring us closer and faster to that better position than we are now. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "B" (S-654) to Committee Amendment "A" (H-1110).

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.

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "B" (S-654) to Committee Amendment "A" (H-1110), **FAILED**.

On motion by Senator **O'DEA** of Penobscot, Senate Amendment "A" (S-653) to Committee Amendment "A" (H-1110) **READ**.

Senator **CAHILL** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-653) to Committee Amendment "A" (H-1110).

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to oppose this amendment on several very basic grounds. First of all it takes \$58,375 out of the performance standards which was agreed upon in the budget. The next thing it does is it takes \$3.2 million dollars to fund the additional needed money for education and really this is getting to the point of where we are nickeling and diming. Under the direction of the good presiding officer, we had talked a little bit about some areas that we might be able to do some funding for education and it doesn't look to me as if we followed those at all and I would ask for the yeas and nays.

Senator **CAHILL** of Sagadahoc requested a Roll Call.

Senate at Ease

Senate called to order by the President.

On motion by Senator **VOSE** of Washington,
ADJOURNED until Wednesday, April 13, 1994, at 9:00
in the morning.

Senator **O'DEA** of Penobscot requested and received Leave of the Senate to withdraw Senate Amendment "A" (S-653) to Committee Amendment "A" (H-1110).

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-1110), in concurrence.

On motion by Senator **AMERO** 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 **ADOPTION** of Committee Amendment "A" (H-1110).

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

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, BERUBE, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, GOULD, HANDY, HANLEY, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BRANNIGAN, BUTLAND, CAHILL, CARPENTER, ESTY, FOSTER, HALL, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, SUMMERS, TITCOMB**

ABSENT: Senators None

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, with No Senators being absent, Committee Amendment "A" (H-1110) **ADOPTED**, in concurrence.

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

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