

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

In Senate, January 4, 1995, **READ** and **PASSED**.

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
January 5, 1995

Senate Called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by Reverend Calvin Dame of the Unitarian Universalist Church of Augusta.

REVEREND CALVIN DAME: Let us pray. Spirit of life and of love, known to all men and women in every age, called by a thousand names and known by no name at all. Be present with us this day. We give thanks for this day. The gift of life which is ours, life which is a gift, we did not earn, cannot earn, a gift that no money can buy, a gift and a mystery that stands always just beyond our understanding. We would pray this day that we would learn to cultivate virtue and learn to let go of that which does not become us. May we cultivate patience and understanding. May we cultivate compassion, may we cultivate forbearance and the many other manifestations of love. May we let go of pride and see in ourselves, our strengths and our shortcomings. May we let go of envy and learn to live, with joy, the life that we have. May we let go, also, of the anger which divides and weakens us, though not of that righteous indignation which calls out to injustice, which goads us toward what is fair and good. Finally, let us let go of any narrow and restricted view of the world which limits us and stifles our endeavors. May we step forward to that broader, wider, more encompassing vision which knows all humankind as one and which understands that we are all brothers and sisters. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

**JOINT ORDER - Joint Order to Adopt Joint Rules
S.P. 10**

Comes from the House **READ AND PASSED** as **AMENDED BY HOUSE AMENDMENTS "C" (H-3) AND "E" (H-5)** in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **CONSIDERATION**.

Out of order and under suspension of the Rules, on motion of Senator **KIEFFER** of Aroostook, the following Joint Order:

S.P. 11

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for political years 1995, 1996, 1997 and 1998, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

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

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

The President appointed the following: The Senator from Piscataquis, Senator **HALL**; the Senator from Cumberland, Senator **HARRIMAN**; the Senator from York, Senator **PENDEXTER**; the Senator from Sagadahoc, Senator **SMALL**; the Senator from Kennebec, Senator **CAREY**; the Senator from Cumberland, Senator **ESTY**; and the Senator from Kennebec, Senator **MCCORMICK**.

COMMUNICATIONS

The Following Communication: H.P. 9

**SUBCOMMITTEE OF THE
JOINT STANDING COMMITTEE
ON TAXATION TO REVIEW CHANGES
IN TREE GROWTH AND OPEN SPACE LAWS**

November 29, 1994

Honorable Dan Gwadosky, Chair
Legislative Council
116th Maine State Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky,

The Subcommittee of the Joint Standing Committee on Taxation to Review Changes in Tree Growth and Open Space Laws is pleased to provide the Legislative

Council with the attached report of our study of the Tree Growth Tax Law pursuant to PL 1993, c. 576. We hope that the recommendations in this report will improve certain provisions of the Tree Growth Tax Law.

Sincerely,

S/Annette M. Hoglund
Chair

Comes from the House, READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: S.P. 15

LIPMAN AND KATZ, P.A.
COUNSELLORS AT LAW
227 WATER STREET
P. O. BOX 1051
AUGUSTA, MAINE 04332-1051

December 19, 1994

The Honorable Jeffrey H. Butland
President of the Senate
117th Maine Legislature
Augusta, ME 04333

Dear President Butland:

I am pleased to submit the final report of the Committee to Study the Feasibility of a Capital Cultural Center, pursuant to Chapter 38, Resolves of 1993.

The Commission was originally established to assess the need for a cultural center in the Augusta Area and, then to determine the feasibility of establishing such a center. In the course of our work, we concluded that our focus should shift from a performing arts center to developing "the State's largest classroom," a multi-purpose facility which can meet the educational, cultural, and telecommunication needs of the region, the State of Maine, the University of Maine System, and the City of Augusta.

On behalf of the entire Commission, I would like to express our appreciation for being given the opportunity to participate in the exploration of this exciting concept.

Very truly yours,

S/Sumner H. Lipman, Chair

Which was READ and with accompanying report ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: (S.C. 34)

STATE OF MAINE

Office of the Secretary of State

January 4, 1995

To the President of the Senate in the One Hundred and Seventeenth Legislature:

I, BILL DIAMOND, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for Governor at the General Election held on the eighth day of November in the year one thousand nine hundred and ninety-four;

REPORT AS FOLLOWS; that Angus King, having received a plurality of the votes cast, appears to have been elected Governor of the State of Maine:

GENERAL ELECTION - November 8, 1994

COUNTY	GOVERNOR	
	BRENNAN, JOSEPH E., Portland Democrat	
ANDROSCOGGIN	14232	35.4%
AROOSTOOK	10020	34.4%
CUMBERLAND	39229	36.1%
FRANKLIN	4204	33.7%
HANCOCK	5073	22.7%
KENNEBEC	18882	38.6%
KNOX	4027	25.1%
LINCOLN	4167	26.7%
OXFORD	7857	36.2%
PENOBSCOT	17403	29.4%
PISCATAQUIS	2206	28.9%
SAGadahoc	4208	29.3%
SOMERSET	7023	36.4%
WALDO	3557	24.8%
WASHINGTON	3840	29.6%
YORK	27023	39.5%
REPORT TOTAL:	172951	33.8%

LEGISLATIVE RECORD - SENATE, JANUARY 5, 1995

CARTER, JONATHAN K.,
Lexington Township
Independent Maine Greens

COUNTY		
ANDROSCOGGIN	1739	4.3%
AROOSTOOK	861	3.0%
CUMBERLAND	7606	7.0%
FRANKLIN	979	7.8%
HANCOCK	2328	10.4%
KENNEBEC	2955	6.0%
KNOX	1460	9.1%
LINCOLN	1282	8.2%
OXFORD	1327	6.1%
PENOBSCOT	3618	6.1%
PISCATAQUIS	514	6.7%
SAGadahOC	1002	7.0%
SOMERSET	1411	7.3%
WALDO	1576	11.0%
WASHINGTON	721	5.6%
YORK	3316	4.8%

REPORT TOTAL: 32695 6.4%

COUNTY COLLINS, SUSAN M.,
Standish
Republican

COUNTY		
ANDROSCOGGIN	5426	13.5%
AROOSTOOK	10669	36.6%
CUMBERLAND	19469	17.9%
FRANKLIN	2039	16.3%
HANCOCK	8246	36.9%
KENNEBEC	8441	17.3%
KNOX	4122	25.7%
LINCOLN	3428	22.0%
OXFORD	4137	19.1%
PENOBSCOT	19905	33.6%
PISCATAQUIS	2649	34.7%
SAGadahOC	2244	15.6%
SOMERSET	4085	21.2%
WALDO	4279	29.9%
WASHINGTON	4742	36.5%
YORK	14109	20.6%

REPORT TOTAL: 117990 23.1%

COUNTY KING, ANGUS,
Brunswick
Independent for Maine

COUNTY		
ANDROSCOGGIN	18265	45.4%
AROOSTOOK	7155	24.5%
CUMBERLAND	41139	37.9%
FRANKLIN	5163	41.4%
HANCOCK	6514	29.1%
KENNEBEC	18087	37.0%
KNOX	6152	38.4%
LINCOLN	6477	41.5%
OXFORD	8138	37.5%
PENOBSCOT	16955	28.7%
PISCATAQUIS	2131	27.9%
SAGadahOC	6710	46.7%
SOMERSET	6487	33.7%

WALDO 4720 32.9%
WASHINGTON 3427 26.4%
YORK 23309 34.0%

REPORT TOTAL: 180829 35.4%

COUNTY FINKS, MARK S.,
Falmouth
(Write-in)

COUNTY		
ANDROSCOGGIN	532	1.3%
AROOSTOOK	445	1.5%
CUMBERLAND	1182	1.1%
FRANKLIN	90	0.7%
HANCOCK	191	0.9%
KENNEBEC	522	1.1%
KNOX	270	1.7%
LINCOLN	240	1.5%
OXFORD	237	1.1%
PENOBSCOT	1199	2.0%
PISCATAQUIS	105	1.4%
SAGadahOC	189	1.3%
SOMERSET	259	1.3%
WALDO	192	1.3%
WASHINGTON	257	2.0%
YORK	666	1.0%

REPORT TOTAL: 6576 1.3%

COUNTY OTHER

COUNTY	
ANDROSCOGGIN	7
AROOSTOOK	5
CUMBERLAND	25
FRANKLIN	8
HANCOCK	8
KENNEBEC	31
KNOX	2
LINCOLN	3
OXFORD	0
PENOBSCOT	97
PISCATAQUIS	36
SAGadahOC	1
SOMERSET	4
WALDO	3
WASHINGTON	0
YORK	37

REPORT TOTAL: 267

I, BILL DIAMOND, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for Governor at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/BILL DIAMOND
Secretary of State

Which was READ and REFERRED TO THE JOINT SELECT COMMITTEE ON GUBERNATORIAL VOTE.

ORDERS

On motion by Senator KIEFFER of Aroostook, the following Senate Order: (S.O. 9)

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of both branches of the Legislature to be held at 6:30 o'clock in the evening at the Augusta Civic Center for the purpose of administering to the Honorable Angus S. King, Jr., Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

Which was READ and PASSED.

The President appointed the Senator from Aroostook, Senator KIEFFER to deliver the message to the Governor.

Subsequently, the Senator from Aroostook, Senator KIEFFER reported that he had delivered the message with which he was charged.

On motion by Senator AMERO of Cumberland, the following Joint Order:

S.P. 12

ORDERED, the House concurring, that a Joint Select Committee of three on the part of the Senate, with such as the House may join, be appointed to consider the Governor's Message and report a reference of its several subjects to appropriate committees.

Which was READ and PASSED.

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

The President appointed the following: The Senator from York, Senator CARPENTER; the Senator from Cumberland, Senator ABROMSON; and the Senator from Androscoggin, Senator BERUBE.

On motion by Senator AMERO of Cumberland, the following Joint Order:

S.P. 13

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 10, 1995, at 10 o'clock in the morning.

Which was READ and PASSED.

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

On motion by Senator AMERO of Cumberland, the following Joint Order:

S.P. 14

ORDERED, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable Angus S. King, Jr., and inform him that he has been duly elected Governor of the State of Maine for the political years 1995, 1996, 1997 and 1998.

Which was READ and PASSED.

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

The President appointed the following: The Senator from Oxford, Senator FERGUSON; the Senator from Lincoln, Senator BEGLEY; and the Senator from Kennebec, Senator BUSTIN.

Subsequently, the Senator from Oxford, Senator FERGUSON reported that the Committee had delivered the message with which they were charged.

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: (S.C. 35)

**REPORT OF THE COMMITTEE ON
SENATORIAL VOTE
STATE OF MAINE**

January 5, 1995

The Honorable Jeffrey H. Butland
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Butland:

In compliance with the Senate Order of December 7, 1994, the Committee appointed by you to examine the returns of votes for Senators for the political years 1995 and 1996, has attended to its duties and asks leave to report that the returns of votes cast, as submitted by the Secretary of State to the President of the Senate, meets with the approval of the Committee.

Sincerely yours,

S/R. Leo Kieffer
Senatorial Vote Committee

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

Senate at Ease

Senate called to order by the President.

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

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

On motion by **THE PRESIDENT**, **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:

COMMUNICATIONS

The Following Communication: S.P. 17

**REPORT OF THE JOINT SELECT COMMITTEE ON
GUBERNATORIAL VOTE
STATE OF MAINE**

January 5, 1995

The Honorable Jeffrey H. Butland
President of the Senate
The Honorable Dan A. Gwadosky
Speaker of the House of Representatives
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

The Joint Select Committee of the One Hundred and Seventeenth Legislature on returns of votes for Governor given in the several cities, towns and plantations of this State for the political years 1995, 1996, 1997, 1998 has attended to its duty and asks leave to report that the whole number of votes returned for the Governor was 511,308; that Joseph E. Brennan of Portland had 172,951 votes; Jonathan K. Carter of Lexington Township had 32,695 votes; that Susan M. Collins of Standish had 117,990 votes; that Angus King of Brunswick had 180,829 votes; that Mark S. Finks of Falmouth had 6576 votes; and Other had 267 votes.

S/Stephen E. Hall
Chairman on the Part of the Senate

S/Ruth Joseph
Chairman on the Part of the House

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

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

ORDERS OF THE DAY

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

**JOINT ORDER - Joint Order to Adopt Joint Rules
S.P. 10**

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - **CONSIDERATION**

(In Senate, January 4, 1995, **READ** and **PASSED**.)

(In House, January 4, 1995, **READ** and **PASSED** as **AMENDED BY HOUSE AMENDMENTS "C" (H-3) AND "E" (H-5)** in **NON-CONCURRENCE**.)

Senator **AMERO** of Cumberland moved that the Senate **INSIST**.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think that your Leadership came up with an excellent compromise. We developed seventeen working committees that had somewhat of a similar workload. I think that we were thoughtful in the way that the division of labor was assigned on these seventeen committees. I believe that we should support the work of the Leadership in this body and that people who want to amend those rules have a two week opportunity to do that with a simple majority vote. I would ask that we proceed and support the compromise of your Leadership. Thank you.

Senator **MICHAUD** of Penobscot moved that the Senate **RECEDE**.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you would vote to Recede so we can deal with the two House Amendments individually. I agree with one of them; however, I disagree with the other amendment. I think we ought to deal with them individually. I am not one to go along carte blanche with Leadership even though they might have agreed unanimously on these rules. I hope that you would vote to Recede and I would ask for a Division.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **MICHAUD** of Penobscot, to **RECEDE**.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **MICHAUD** of Penobscot to **RECEDE**, **FAILED**.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The motion to Insist will be coming next. I would like to pose a question through the Chair to Senator Amero, if I may. My question is since she agrees with putting Conservation in with the Agriculture Committee, does she also agree, or feel, that both Committees should

be dealing with wetlands. That two individual committees should be dealing with site locations, shoreland zoning, subdivision? Does she feel that that is good government? My other question is when she talks about workload, when the Council considered workload, did they just look at the number of bills to try to even out, bill-wise, or did they actually look at the composition of the bills and the time that it would take the individual committees to deal with those issues? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Michaud, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the Legislative Council relied very heavily on the work of OPLA and the research that they did in trying to assess, as nearly as they could, based on the number of bills, and based, also, on conversations with the Analysts that work with the various committees, on what made sense for workloads for the different committees. I understand there may be some problems with people having to go to two different committees on some issues, but that happens a lot of time in the Legislature and maybe it will help force committees to work better together. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland to **INSIST**.

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.

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland, to **INSIST**, **PREVAILED**.

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

Senate at Ease

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act to Grant an Extension of Time to Holders of Sea Urchin Licenses Who Have Attempted to Comply with the Requirement to Take a Competency Course" (Emergency)

S.P. 16 L.D. 3

Presented by Senator **McCORMICK** of Kennebec
Cosponsored by Representatives: **ETNIER** of Harpswell, **LOOK** of Jonesboro

Under suspension of the Rules **ORDERED PRINTED** without Reference to a Committee.

Which was, under suspension of the Rules, **READ TWICE**.

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

Senator **McCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't want to debate this right now because we are waiting for an amendment to come up which states certain things that the majority caucus wanted in this bill but couldn't get into the bill because of the printing schedule. So could someone table this? Thank you.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

Senate at Ease

Senate called to order by the President.

At this point, a message was received from the House of Representatives, borne by Representative **JACQUES** of Waterville informing the Senate that the House concurred in the proposition for a Joint Convention, to be held at 6:30 in the evening, at the Augusta Civic Center, for the purpose of administering to the Honorable Angus S. King, Jr., Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

Off Record Remarks

On motion by **THE PRESIDENT**, **RECESSED** until 3 o'clock in the afternoon.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: (S.C. 36)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

January 5, 1995

Honorable May M. Ross
Secretary of the Senate
State House Station 2
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker today appointed the following members on the part of the House to the Joint Select Committee on the Gubernatorial Vote:

- Representative **JOSEPH** of Waterville
- Representative **O'GARA** of Westbrook
- Representative **HATCH** of Skowhegan
- Representative **CHARTRAND** of Rockland
- Representative **LOOK** of Jonesboro
- Representative **AIKMAN** of Poland
- Representative **CAMERON** of Rumford
- Representative **CAMPBELL** of Holden

He also appointed the following members on the part of the House to the Joint Select Committee to consider the Governor's message and report a reference of its several subjects to appropriate committees:

- Representative **CLOUTIER** of South Portland
- Representative **KEANE** of Old Town
- Representative **LEMAIRE** of Lewiston
- Representative **MITCHELL** of Portland
- Representative **MURPHY** of Berwick
- Representative **DONNELLY** of Presque Isle
- Representative **LINDAHL** of Northport
- Representative **McALEVEY** of Waterboro

The Speaker also appointed the following members on the part of the House to the Committee to wait upon the Honorable ANGUS S. KING, JR., and inform him he has been duly elected Governor of the State of Maine for the political years 1995, 1996, 1997, and 1998:

Representative DORE of Auburn
Representative POULIOT of Lewiston
Representative ROTONDI of Madison
Representative TYLER of Windham
Representative STROUT of Corinth
Representative SPEAR of Nobleboro
Representative GIERINGER of Portland
Representative YACKOBITZ of Hermon

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

JOINT ORDER- relative to the Joint Rules of the 117th Legislature

S.P. 10

In Senate January 4, 1995, READ and PASSED.

In House January 4, 1995, READ and PASSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-3) AND "E" (H-5), in NON-CONCURRENCE.

In Senate January 5, 1995, INSISTED.

Comes from the House PASSED AS AMENDED BY HOUSE AMENDMENT "C" (H-3), in NON-CONCURRENCE.

Senator AMERO of Cumberland moved that the Senate INSIST.

Senator MICHAUD of Penobscot moved that the Senate RECEDE and CONCUR.

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

Senator MICHAUD: Thank you Mr. President, Ladies and Gentlemen of the Senate. I think it is time for this Legislature to move on, so we can do the business before us. Business that the people have elected us to do. This is the first time in over

fourteen years that I have been in the Legislature that we have had this many problems with the Rules. The current proposal that you have before you does not add any additional committees. All the current proposal before you does is move the Department of Conservation issues into the Natural Resources Committee versus the Agriculture Committee. It was stated earlier that committees deal with issues that have cross jurisdiction, and yes, that is, in fact, true. There is nothing that we are ever going to be able to do, as far as rules, that will ever prevent that from happening. However, by adopting a committee that deals with Agriculture and Conservation, they are going to exasperate the problem a lot further than what it is currently. What you are going to have is two separate committees that deal with wetlands issues, you are going to have two separate committees dealing with subdivision issues, you are going to have two different committees dealing with shoreland zoning, dealing with site location. I can go on, and on, and on. Over the years, during a lot of campaigns, I hear members of both bodies talk about streamlining the process, making it easier for the business community to deal with regulations. I believe the past Committee on Energy and Natural Resources has come a long ways as far as streamlining the regulatory process, in making it very similar when it comes to LURC and DEP.

However, if we adopt the rules as originally proposed by this body, we are going to exasperate that problem. We will have two committees dealing with the same issues. I would hope this body would not do that. We talked earlier about the committee workloads. The good Senator, Senator Amero, said it helped even out the workload. If you look at the front of it, it might look that way, we are going to ease the workload because of the number of bills. If you look at the graph that was presented to this body and the other body, it would look like the Appropriations Committee is one of the committees that has very little work to do. We all know, those who are veterans, that that is not the case. They have a lot of work to do, it is the complexity of the issues, not only the number of bills. To give you a good example, a few years ago the Energy and Natural Resources Committee, if you look at the number of bills and the workload of that Committee, you would think it was astounding; however, they had forty bills that dealt with just solid waste issues. The Committee held a hearing that dealt with all of those all in one day, all in one day. But, if you look at the statistics, you would say it's a busy committee; and, it is a busy committee; but, there are a lot of issues that are very similar; and they can deal with them jointly.

You talk about logic. Is it logical to have a staff person for the Energy and Natural Resources Committee who has spent a lot of time getting very familiar with a lot of these complex issues, such as wetlands? Now you are going to have a staff person who is going to be staffing the Agriculture Committee and Conservation put together and they are going to have to get up to speed on those issues, as well. So, it is not going to make the process any easier. Talking to members of this body and the other body, they say yes, they should be together; but let's adopt them the way we originally proposed and in two

weeks come in and change them. I think the presiding officers of both bodies and all the members would be very interested in finding out what committees we are going to be on. That is why I think it is very important to establish these committees, get them under way. If there are other rule changes that we have to deal with, we can deal with them at that time. I do know that Senator Hanley has mentioned that he has a proposal that he is going to bring forth and I am inclined to go along with that proposal, but that does not stop the process right now. I think it is very important to get the process going, get these committees in tact so Leadership can make the appointments to these committees. I hope that this body would Recede and Concur because I think it is the logical thing to do and we can move along with our business and try to speed up the process. 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. I would like to respond very briefly to the comments of my good friend from Penobscot, Senator Michaud. First, with respect to the rules, and he hasn't seen these problems before. I would just like to remind the good Senator that the past twelve years has been controlled by both bodies and there has been a change in the makeup of the Legislature and we would like to have some of those changes represented in the rules. The second, with respect to the appointment of individuals to committees and the importance of putting the amendment that the House has proposed on right now, I guess falls a little short. I did speak with some members of the House as far as whether or not they would be in a position to have all of the appointments made by this weekend on the House side; and it was related to me that no, in fact that was not the case; and they probably would not have the committee appointments done on their end until the end of next week at the best possible scenario. I think there is still a lot of time.

When I rose yesterday and told this body that I did have changes that I would like to propose I was all set to propose them that day. I was counseled by my Leadership that an agreement had been reached. An agreement between the Legislative Council, the Leadership of this body and the Leadership of the other chamber. An agreement had been reached that we would operate under a certain set of rules to get this process moving forward. That is the agreement that was rendered. After counsel by my Leadership, I agreed not to present my amendment and to wait until after these rules had been passed and then offer my amendments during the window that was created in the rules. I would like to think that other members of this chamber would also take counsel of their Leadership and abide by the agreement that had been reached and then utilize the window that is in the original rules to offer amendments at a later date. For that reason, I will be voting against the pending motion and going with the previous motion by the Senator from Cumberland. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. On Saturday I will have completed eight percent of my term in office in the State Senate and my constituents are pressing me to find out what we have accomplished so far. I am concerned that we forge ahead with this agreement, although it may not be perfect or to everybody's liking; but at least it will allow us to get on with the work. The goals of streamlining the Committee process and reducing costs have been met. I think they are both very valuable goals and I commend the people who contributed towards working out that compromise. I think it is time we get on with our work. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **MICHAUD** of Penobscot to **RECEDE** and **CONCUR**.

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.

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **MICHAUD** of Penobscot to **RECEDE** and **CONCUR**, **FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland to **INSIST**.

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 14 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INSIST**, **PREVAILED**.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by **THE PRESIDENT**, **RECESSED** until 4:15 this afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Grant an Extension of Time to Holders of Sea Urchin Licenses Who Have Attempted to Comply with the Requirement to Take a Competency Course" (Emergency)

S.P. 16 L.D. 3

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENGROSSED** without Reference to a Committee

(In Senate, January 5, 1995, under suspension of the Rules, **READ TWICE** without reference to a Committee.)

On motion by Senator **McCORMICK** of Kennebec, Senate Amendment "A" (S-2) **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 is a narrow bill, a very narrow bill. It is a bill that would allow the two hundred and twenty five people who made a good faith effort to comply to the sea urchin licensing course law that we passed last session, and got their \$170 in. You might wonder why a Senator from Kennebec is even involved in such an issue but, in fact, I have a sea urchin pilot who has two divers and he sent his money in right after Thanksgiving. Because so many people wanted to take this course in December, he was assigned to a course on January 18. He called me because he simply could not understand why, if he did his part and got his money in, why he had to go three weeks without an income, because that is what this meant. So I called the Commissioner's Office three times and finally spoke to the Commissioner and asked if there was any leeway, if he had any administrative flexibility to deal with these people, not the people who put it off until January and February of 1995, but just the people who got their money in in 1994. He said there was absolutely no leeway. He said to call the Attorney General if I wanted to, so I called the Attorney General and the

Attorney General said yes, he has absolutely no leeway, he can't fix this. I said okay, and to respond to my constituents needs I drew this very narrow bill which, to my mind, is a TQM bill. A bill where government, even though we and the Department also made a good faith effort to create as many spots in the courses as they thought would be necessary and spread them out over four months, people, human nature being what it is, people being what they are, many people didn't have the money or, like my constituent, waited until November, and they found an over-enrollment in December. I believe that we, as members of government, representatives of government, need to take seriously our part in having our citizens comply with the law, as did my constituent.

Therefore, you have this narrow bill with the amendment that was suggested by the Republican caucus that says they only get January to complete this course. If they don't complete the course by the end of January then that is it, that is as much good government as we have room for. So that is the bill and I certainly hope that you will be open and flexible. Thank you.

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

Senator **BEGLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. One can sympathize with anyone who is not meeting a deadline. The area that I represent has a great many urchin divers. I have received calls, generally in the months of September and October, dealing with the problem. In the area that we are in, the attendance at the sessions were full and I will say the Department was more than gracious by offering us two more to accommodate fifty other divers, whose names we could submit to prove the need. This was all done in November. Those people took it upon themselves, in their own desire to continue their employment, to meet the requirements. I have had one phone call since then, asking for some extension. That gentleman called me a day or so before Christmas and he had about six days in which to meet the requirement. I told him there would be another course in January and that he better get his application in. I have spoken to other divers who have met the requirement and asked them what they would consider for an extension. All of them, and that would be about seven or eight that I talked to, said no. The divers had been informed by August as to the requirements and the dates of the courses and the place of the courses. Many of them went unattended and I am sorry to say that in this case, the individuals who have not done this have an opportunity in January to meet the requirement again for their employment. I'm not sure it is setting a good precedent for setting up a requirement and then simply extending it simply because some people decided not to meet it. Thank you.

On motion by Senator **McCORMICK** of Kennebec, Senate Amendment "A" (S-2) **ADOPTED**.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED**, as Amended, without reference to a Committee.

Senator **KIEFFER** of Aroostook requested a Division.

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

Senator McCORMICK: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to add for your thought process, that one logical reason why a fisherman might wait until December to take a course is because they are fishing in September and October and that that is a logical time in the calendar of their year to take courses. I believe that government has to be responsive to that kind of time clock and it is not our position to judge why people do what they do, just so long as they abide by the parameters that we have asked them to and, in fact, two hundred and twenty five Maine citizens did that. 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. There is an interesting issue raised in this bill. There are those of us in this chamber who don't agree with a lot of the governmental regulations that are imposed. In one sense we agree that anything we can do to encourage more employment opportunities for any individual in the State we should do anything in our power to accomplish that task. Another facet that is involved in this is the procedural one. I guess I would like to pose a question through the Chair to the good sponsor of this bill, the Senator from Kennebec, as far as what harm would be served if we were to have a committee of jurisdiction appointed the first part of next week, who would have this bill, who could notify the parties involved, to have a public hearing and to have those urchin divers who had already gone through the process be able to come up and testify and those who have not been able to go through the process come up and testify and basically let the legislative process work. I have always had trouble, during my time in the Legislature, to have bills of this nature which do have strong feelings on both sides of the issue, to have a proper hearing. Whereas I agree with the good Senator that government should be responsive and government should not interfere with people's lives and be as unrestrictive as possible, we still do have a certain procedure here which needs to be adhered to. I was wondering whether or not we could accomplish this same task by following the proper procedures. Thank you.

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 Somerset, Senator Cianchette.

Senator CIANCHETTE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I apologize to the Senate but could someone explain to me what it is exactly we are debating on right now? I'm confused. 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. Maybe I can answer both questions at the same time. We are

voting on a bill that would allow a one month extension of the sea urchin license for the people who made a good faith effort and got their money in to take this harvesting course that is required before the end of the year. In answer to the Senator from Oxford's question, Senator Hanley, I totally agree with you. One should never say never, but I also hate this whole slamming through of bills without a Committee and the only reason that I am allowing myself to do this in this case is because I don't believe there is any way we can be responsive just because of the time issue. I know that a week or two weeks wages might not matter to some of us but I have to take my constituent at his word when he says that it really matters to him. If we were to go through the committee process that would basically eviscerate the need for this bill. That means it would not get passed until probably the end of next week and that's probably too late. We probably shouldn't even do it at that point. I apologize, I agree with you totally and I don't do that lightly but I think that in this case, in order for us to be responsive, we have to act quickly. I know that we have this terrible reputation of never being able to do anything in a timely fashion and here is our chance to do something in a timely fashion. Thank you.

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

Senator LORD: Thank you Mr. President, Ladies and Gentlemen of the Senate. One thing that bothers me about this is that Senator McCormick said that these fellows didn't get their program in because they were out fishing. Well there are other people who didn't go fishing, they did what they were supposed to do. They lost that amount of time when they had to go through the program so we are penalizing them for losing their income that they were going to be making to do the job right and get it done in time and we are rewarding these fellows who waited until the last minute. Is this the proper way to do it? Thank you.

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

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the good Senator from York, Senator Lord's, comments but it urges me to rise to remind us that a lot of us campaigned on the need for jobs in Maine. This may not be a whole lot of jobs, but as I understand the figures, it is two hundred and twenty five people that could be out of a way of making a living. I think that is also called jobs. If we really want to put our money where our mouth is, then we will vote for this bill. Thank you.

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

Senator GOLDTHWAIT: Thank you Mr. President, Ladies and Gentlemen of the Senate. Fishing is a unique occupation in that there are many limitations on one's ability to practice that occupation that don't apply to most of our jobs. I know that in my particular occupation, I go there whether the wind is blowing or there is a sea running; and I can count on

my work every day that I am scheduled to work. As a fisherman, you can't necessarily do that; and there are many times when weather causes people to be put ashore and not have an income. So those days at sea become very precious to fisherman. Just like there are people in our occupations who make different amounts of salary, so are there fishermen who make different amounts of money. There may be some fishermen who can afford to plan ahead and take some time of and take this course well before the deadline. There may be other fishermen who are really struggling hard to meet their boat payments, their gear payments, and suffering gear loss in the conflicts that we all know about that exist in the fisheries now. It is very difficult to them to make those payments and they are trying to be responsible to their creditors and to their families. Again, Senator McCormick is not attempting to excuse all people who made no provision to take this required course, but simply those people who did make a good faith effort to comply with that deadline and those are the people being addressed by this bill. 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, I would like to respond ever so briefly to the good Senator from Hancock as far as whereas my district does not go to the saltwater of the coast of Maine, I have a number of my constituency who earn their living in the woods and who are bound, on a daily basis, by the confines of weather. They, too, are bound by certain restrictions and regulations that have been fostered upon them by our State government and which they have to abide by. The reason why I rose again is I am caught in somewhat of a quagmire here in trying to resolve this issue, whether or not I should go with the allowance so people can continue their profession or if I should put some strength into the process that we have here in Augusta as far as to hold hearings and let both sides be heard. Because I do not have the urchin divers in my area I have not received a good debate on both sides of this issue. I'm sure there are, I have talked to members of my caucus who have told me that they have heard from both those who would be in support of this legislation and also those who are against it. When I hear those types of discussions I think only the legislation that we have almost unanimity in, as far as the passing through, should we circumvent this process which has gone on for so many years and has served us quite well. Because of the differences of opinion on this bill, I think we should do whatever we can to have it go through the process; and I think if we can't wait a week, if the process will not allow us to wait a week to have a public hearing be conducted on this issue, maybe something is wrong. I haven't heard enough testimony to let me vote for this. Why we have to do something today and why we wouldn't be able to resolve it a week from today, that question hasn't been answered; and I will have to be voting against it. 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 truly hesitate to rise and speak in favor of this bill because I can say that in Knox County I probably have about as many urchin divers, draggers, tenders and boat owners as any county in the State, and my fishermen do not, as a rule, like this idea. I have had a lot of phone calls from people who say "well, we took a couple of days off when the fishing was good, now why should we defer to these people who are going to take days off in January when there is not very good fishing out there and aren't going to lose as much money as we did." So, it is a difficult issue for me to bring home and to say that I voted in favor of this bill. On the other hand, it is my job as a legislator to do what I think is right and I think that this is about flexibility in government. No one, who is covered under this bill, didn't comply, basically, with what was needed to be done. They sent in their registration money before the end of the year. We did not have a class available at that point that they could fit into, whether the classes were full, whether they sent the money in too late. This goes back to the people who sent their money in as far back as November. We were not able to provide the service we said we would provide if they got their money in. It is not the people who wait until January to send their money in, which is clearly beyond the deadline, it's people who sent their money in on time.

I spent about two months working with SMTC, to get them to move a class out to Vinalhaven, where I had forty or fifty fishermen who were able to take that class. It was a very difficult process. We were not particularly responsive to the customer throughout this whole procedure. This is the first time we have ever had urchin diving courses and it took us a while to get up to speed and a lot of people didn't sign up for the early classes. I worked on this legislation originally. One of the things we are trying to do is protect the resource, reduce the number of fishermen in the fishery. It would be great if there were two hundred and fifty people who weren't out there fishing for the next month because it is one way to cut back on the number of people fishing for urchins and that is part of what we were trying to do. On the other hand, these are people who are licensed. We have a certain amount of faith with them. We promised that they could continue to go fishing if they got in their registration and took the class. They were unable to take the class. I think it is our responsibility to allow them to take it.

It is also an economic development issue. These are people who are not going to bringing home \$1000 to \$2000 every day when they are out there fishing for maybe the whole month of January, so it is revenue that this State loses. Even though I'd like to see us keeping some more of the urchins on the floor, it is money that we would be receiving otherwise. In spite of the fact that I don't think the fishermen on Vinalhaven are going to be very happy about this, I think it is something that we have to do. They didn't not comply with the law as far as they saw it and I think it is something that we should allow. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I did want to kind of help the good Senator from Oxford out, to see if I can extend a helping hand to get him out of his quagmire a little bit and just remind us of the basic issue of fairness. We have people in the State of Maine who are self employed, who are hard working, and who have said "We will carry out in due and obey the laws of this State and we would like to do it in a timely fashion. We won't go to you for unemployment benefits, we won't go to you for welfare. All we want to do is work. You want us to take a test, we will take that test and we will be ready to go by January 1. Therefore, I will take my money, my stamp, and I will make my application to the State of Maine, who is going to give me the safety test and I will continue, therefore, to go to work and make two or three hundred dollars a day to support my family. Not be on welfare, not be on unemployment benefits, be a good upstanding citizen of my State, and everything will be fine." Whoops, hold it, low and behold we, the State, who passed this law with all good intentions, now say to this good citizen that as much as we want economic development, as much as we want to help science, as much as we want to keep you working, we can't have you go to work now because we don't have enough people to administer this test in a timely and fair fashion. Therefore, we are going to keep you unemployed, we are going to mandate your unemployment for at least one, two or three weeks or however long it takes us to finally get around to having enough people in place to give you the appropriate test that we feel you should have. That is not what government was intended to do. Government was intended to support the good efforts of the citizens. I would hope this very simple, narrow in scope bill would do that. I would hope all of us this evening could see that this not only helps the Senator from Oxford out of his quagmire by going on to pass this particular piece of legislation, but it will also make Maine a better place. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If every course that was offered by the University had been full, had even been held, your argument might hold some water for the urchins. But there were any number of courses that were offered in various locations that had to be cancelled because nobody signed up for them. The person in charge of setting these courses up set them up as honestly as he thought he could under the direction of the law and the budget he was given. He pointed out to people these are the schedules that you have and you received that schedule in the mail three to four months before the deadline. If any of you had been to the Marine Resources meetings last spring, when they argued, not only this regulation but also how many different districts they would have for urchins, you would realize that that had been discussed at great length. I went to one where the sea urchins were represented and they heard all of these arguments, they heard all of the proposals and they were there in force to agree or disagree with

the motion. The law was passed, they were given the opportunity, and I am sorry to say, some of them decided not to, they decided not to, they were not forced not to, it was up to them as to whether or not they came late. If you were in the shoes of the gentlemen setting up the courses, you would simply have to say to anybody else, "I cannot do that without some knowledge of the instructor or any other." I would have a great deal more sympathy had, as I said, all of those courses been filled, and they certainly weren't. Had he not received notification four months before the deadline he might have something to stand on, in my opinion he does not. He can take it in January, he can go to work after he takes it, exactly the same as most of the urchin divers that have done it already and are ready to go January 1. Thank you.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

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.

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the bill was **PASSED TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

On motion by Senator **MCCORMICK** of Kennebec, ordered sent down forthwith for concurrence.

The President appointed the Senator from Arrostook, Senator **KIEFFER** to serve as President Pro Tem for the remainder of today's session.

Off Record Remarks

At this point, the Senate retired to the Augusta Civic Center, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President Pro Tem.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by **THE PRESIDENT PRO TEM**, **ADJOURNED** until Tuesday, January 10, 1995, at 10 o'clock in the morning.