

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 2, 1995 to June 16, 1995

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

In Senate Chamber
Wednesday
June 7, 1995

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

Prayer by the Honorable Richard J. Carey of Kennebec.

SENATOR RICHARD J. CAREY: Good morning. Almighty God, as we approach the end of this first session of the 117th Legislature, we ask for your guidance in the very tough issues coming before us. Help us find common ground as we attempt to represent all of the people of our great State of Maine. We ask this in your name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Requiring the State to Fulfill Its Commitment to Provide Adequate Mental Health Services for Senior Citizens in the Eastern Maine Area (Emergency)

S.P. 35 L.D. 65

In Senate, May 30, 1995, the **OUGHT NOT TO PASS** Report B **READ** and **ACCEPTED**.

In House, June 1, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165), in NON-CONCURRENCE.**

In Senate, June 5, 1995, **INSISTED.**

Comes from the House, that Body having **ADHERED.**

Senator **KIEFFER** of Aroostook moved that the Senate **ADHERE.**

Senator **LAWRENCE** of York moved that the Senate **RECEDE** and **CONCUR.**

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York that the Senate **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 14 Senators having voted in the negative, the motion of Senator **LAWRENCE** of York to **RECEDE** and **CONCUR, FAILED.**

On motion by Senator **KIEFFER** of Aroostook, the Senate **ADHERED.**

Non-concurrent Matter

Bill "An Act Concerning Grandparents' Rights of Visitation and Custody"

H.P. 364 L.D. 484
(C "A" H-210)

In Senate, May 24, 1995, **PASSED TO BE ENACTED,** in concurrence.

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1108.)

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210) AS AMENDED BY HOUSE AMENDMENT "A" (H-379), thereto, in NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Amend the Kennebec Water District Charter by Allowing the Town of Vassalboro and the Town of Benton to have a Permanent Member on the Board of Trustees"

H.P. 461 L.D. 627

In Senate, June 1, 1995, PLACED IN THE LEGISLATIVE FILES PURSUANT TO JOINT RULE 15.

(RECALLED from the Legislative Files pursuant to Joint Order H.P. 1115.)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-373) in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Allow Earlier Awarding of Funding of Intervenors in Cases before the Public Utilities Commission"

H.P. 647 L.D. 870

In House, June 1, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318).

In Senate, June 5, 1995, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

Comes from the House, that body having ADHERED.

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

Non-concurrent Matter

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency)

S.P. 365 L.D. 991 (H "A" H-298 to C "A" S-116)

In Senate, May 10, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116).

In House, May 24, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "A" (H-298), thereto, in NON-CONCURRENCE.

In Senate, May 25, 1995, RECEDED and CONCURRED.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "B" (H-367) thereto, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System"

H.P. 664 L.D. 887

Reported that the same Ought Not to Pass.

Signed:

Senators:

MILLS of Somerset RAND of Cumberland

Representatives:

HATCH of Skowhegan CHASE of China LEMAIRE of Lewiston PENDLETON, JR. of Scarborough SAMSON of Jay TUTTLE, JR. of Sanford

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-295).

Signed:

Senator:

BEGLEY of Lincoln

Representatives:

JOY of Crystal JOYCE of Biddeford STEDMAN of Hartland WINSOR of Norway

Comes from the House with the Bill and Accompanying Papers **COMMITTED** to the Committee on **BANKING AND INSURANCE**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" H.P. 923 L.D. 1299

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

FERGUSON, JR. of Oxford
STEVENS, JR. of Androscoggin
MICHAUD of Penobscot

Representatives:

NADEAU of Saco
TRUE of Fryeburg
MURPHY of Berwick
LEMONT of Kittery
CHIZMAR of Lisbon
FISHER of Brewer
GAMACHE of Lewiston
LABRECQUE of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-354).

Signed:

Representative:

BUCK of Yarmouth

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase Levels of Property Tax Relief Found in the Maine Residents Property Tax Program" H.P. 450 L.D. 616

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-333).

Signed:

Senator:

CAREY of Kennebec

Representatives:

DORE of Auburn
TRIPP of Topsham
TUTTLE, JR. of Sanford
KEANE of Old Town
RICHARDSON of Portland
GREEN of Monmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "B" (H-334).

Signed:

Senators:

HATHAWAY of York
FERGUSON, JR. of Oxford

Representatives:

MURPHY of Berwick
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

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-333).

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid" H.P. 550 L.D. 746

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

HATHAWAY of York
FERGUSON, JR. of Oxford
CAREY of Kennebec

Representatives:

TUTTLE, JR. of Sanford
KEANE of Old Town
MURPHY of Berwick
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-244).

Signed:

Representatives:

DORE of Auburn
TRIPP of Topsham
RICHARDSON of Portland
GREEN of Monmouth

Comes from the House with the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244).

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on TAXATION on Resolve, to Create a Task Force on Economic Development Tax Incentives (Emergency)
H.P. 858 L.D. 1189

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-339).

Signed:

Senators:

FERGUSON, JR. of Oxford
CAREY of Kennebec

Representatives:

DORE of Auburn
TRIPP of Topsham
TUTTLE, JR. of Sanford
KEANE of Old Town
RICHARDSON of Portland
MURPHY of Berwick
GREEN of Monmouth
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

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

Signed:

Senator:

HATHAWAY of York

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-339).

Which Reports were READ.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending ACCEPTANCE of Either Report.

Senate

Ought to Pass As Amended

Senator ESTY, JR. for the Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act to Connect Libraries and Communities Electronically"

S.P. 191 L.D. 500

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-223).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-223) READ and ADOPTED.

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

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Create an Intermediate License for Minors"

S.P. 166 L.D. 427

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-220).

Signed:

Senators:

STEVENS, JR. of Androscoggin
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

O'GARA of Westbrook
RICKER of Lewiston
DRISCOLL of Calais
BOUFFARD of Lewiston
CHARTRAND of Rockland
LINDAHL of Northport
FARNUM of South Berwick
STROUT of Corinth

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

Signed:

Representatives:

HEINO of Boothbay
BAILEY of Township 27

Which Reports were **READ.**

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

SECOND READERS

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

House As Amended

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)
H.P. 522 L.D. 712
(C "A" H-348)

Bill "An Act to Limit the Size of Drag Nets Used in South Bay in Eastport"
H.P. 605 L.D. 815
(C "A" H-358)

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)
H.P. 686 L.D. 937
(C "A" H-347)

Bill "An Act to Create an Honorary Position of Maine State Poet Laureate"
H.P. 692 L.D. 943
(C "A" H-350)

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96" (Emergency)
H.P. 701 L.D. 959
(H "A" H-368 to C "A" H-336)

Resolve, Establishing a Commission to Study the Trespass Laws (Emergency)
H.P. 954 L.D. 1343
(C "A" H-344)

Bill "An Act to Provide for the Dissolution of the Town of York School District"
H.P. 1009 L.D. 1424
(H "A" H-378)

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

Senate As Amended

Bill "An Act to Provide Limited Immunity to Former Employers Who Provide References"
S.P. 264 L.D. 704
(C "A" S-218)

Bill "An Act to Encourage an Alternative Fishery"
S.P. 428 L.D. 1196
(C "A" S-222)

Bill "An Act to Wind Up the Affairs of the Maine Medical and Hospital Malpractice Joint Underwriting Association"
S.P. 436 L.D. 1204
(C "A" S-215)

Bill "An Act to Establish the DNA Data Base and Data Bank Act"
S.P. 480 L.D. 1304
(C "A" S-219)

Bill "An Act to Authorize Participation by the Public Advocate in a Regulatory Proceeding Concerning the Residual Market Mechanism for Workers' Compensation"
S.P. 532 L.D. 1470
(C "A" S-217)

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

June 6, 1995

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Business and Economic Development has had under consideration the nomination of Carol A. Epstein of Brewer, for appointment to the Maine Real Estate Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Harriman of Cumberland, Goldthwait of Hancock, Cianchette of Somerset
	Rep. 9	Rowe of Portland, Kontos of Windham, Brennan of Portland, Davidson of Brunswick, Povich of Ellsworth, Sirois of Caribou, Libby of Kennebunk, Reed of Dexter, Cameron of Rumford
NAYS:	0	
ABSENT:	1	Rep. Birney of Paris

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carol A. Epstein of Brewer, for appointment to the Maine Real Estate Commission be confirmed.

Signed:

S/Philip E. Harriman
 Senate Chair

S/G. Steven Rowe
 House Chair

S.C. 233

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on BUSINESS AND ECONOMIC DEVELOPMENT has recommended the nomination of Carol A. Epstein of Brewer be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on BUSINESS AND ECONOMIC DEVELOPMENT be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators:	None
NAYS:	Senators:	ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: HANLEY, MILLS, SMALL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Carol A. Epstein, for appointment to the Maine Real Estate Commission, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
 ONE HUNDRED AND SEVENTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 6, 1995

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Education and

Cultural Affairs has had under consideration the nomination of Alfred W. Kany, Jr. of Saco, for appointment to the Maine Technical College System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 3 Small of Sagadahoc,
Abromson of Cumberland,
Esty of Cumberland

Rep. 8 Martin of Eagle Lake,
Stevens of Orono, Rep. Winn
of Glenburn, Desmond of
Mapleton, Ault of Wayne,
Barth of Bethel, Libby of
Buxton, McElroy of Unity

NAYS: 0

ABSENT: 2 Rep. Cloutier of South
Portland, Brennan of
Portland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alfred W. Kany, Jr. of Saco, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/Mary E. Small
Senate Chair

S/John L. Martin
House Chair
S.C. 234

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION AND CULTURAL AFFAIRS has recommended the nomination of Alfred W. Kany, Jr. of Saco be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION AND CULTURAL AFFAIRS be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT,
BERUBE, BUSTIN, CAREY,
CARPENTER, CASSIDY, CIANCHETTE,
CLEVELAND, ESTY, FAIRCLOTH,
FERGUSON, GOLDTHWAIT, HALL,
HARRIMAN, HATHAWAY, KIEFFER,
LAWRENCE, LONGLEY, LORD,
McCORMICK, MICHAUD, O'DEA,
PARADIS, PENDEXTER, PINGREE,
RAND, RUHLIN, STEVENS, and the
PRESIDENT, Senator BUTLAND

ABSENT: Senators: HANLEY, MILLS, SMALL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Alfred W. Kany, Jr., for appointment to the Maine Technical College System Board of Trustees, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 6, 1995

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jana Lapoint of Falmouth, for appointment to the Maine Technical College System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 3 Small of Sagadahoc,
Abromson of Cumberland,
Esty of Cumberland

Rep. 8 Martin of Eagle Lake,
Stevens of Orono, Rep. Winn
of Glenburn, Desmond of
Mapleton, Ault of Wayne,
Barth of Bethel, Libby of
Buxton, McElroy of Unity

NAYS: 0

ABSENT: 2 Rep. Cloutier of South
Portland, Brennan of
Portland,

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jana Lapoint of Falmouth, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/Mary E. Small
Senate Chair

S/John L. Martin
House Chair

S.C. 235

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on **EDUCATION AND CULTURAL AFFAIRS** has recommended the nomination of Jana Lapoint of Falmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT,
BERUBE, BUSTIN, CAREY,
CARPENTER, CASSIDY, CIANCHETTE,
CLEVELAND, ESTY, FAIRCLOTH,
FERGUSON, GOLDTHWAIT, HALL,
HARRIMAN, HATHAWAY, KIEFFER,
LAWRENCE, LONGLEY, LORD,
McCORMICK, MICHAUD, O'DEA,
PARADIS, PENDEXTER, PINGREE,
RAND, RUHLIN, STEVENS, and the
PRESIDENT, Senator BUTLAND

ABSENT: Senators: HANLEY, MILLS, SMALL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Jana Lapoint, for appointment to the Maine Technical College System Board of Trustees, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent forthwith.

The Chair laid before the Senate the following Tabled and Unassigned matter:

SENATE REPORTS from the Committee on **TRANSPORTATION** on Bill "An Act to Create the Northern New England Passenger Rail Authority" (EMERGENCY) S.P. 459 L.D. 1255

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-202) (10 members)

Minority - Ought Not to Pass (3 members)

Tabled - June 1, 1995, by Senator KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In Senate, June 1, 1995, Reports **READ.**)

Senator STEVENS of Androscoggin moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator KIEFFER, to the Rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

The Senate called to Order by the President Pro Tem.

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

Senator **HARRIMAN:** Thank you Mr. President. Good morning Ladies and Gentlemen of the Senate. I hope you will join me this morning in opposing the pending motion of Ought Not to Pass. I ask you to join me in this motion for several reasons. The first, and foremost I think, is the fact that in 1991 almost 90,000 Maine citizens lent their name to a petition calling for the restoration of passenger rail service in Maine. In a relatively unique fashion, the legislature, rather than sending this bill out to referendum for the citizens of Maine to vote on, instead adopted this petition language and put it into Maine law which was adopted in the first session of the 115th Session of the Maine Legislature. Perhaps some of you were part of the legislature then. Indeed, this legislation passed under the hammer. What this legislation did was that it directed the Department of Transportation to make all efforts necessary to restore passenger rail service. That, in and of itself, is a message. We can debate long and hard about what has happened since then, and why the passenger service has not yet been restored, but if you would, for a moment, join me in looking, not at the headlines of the newspapers, but at the horizon, toward the future. If Maine is, indeed, going to grow, Maine needs to have a more diversified transportation system. If Maine is going to welcome more people and move them efficiently, and environmentally safely, then the passenger rail service makes perfect sense, at least to me. Indeed, in the late 1960's when passenger rail service gave way to more and more of the motoring public, many states around the country pulled up their railroad tracks. Many of them now are nature trails and places to roller blade and bike, and so forth. But Maine didn't do that. We still have our railroad infrastructure. It's waiting for us to use it again.

Many people who share my view of the horizon recognize that the best chance for passenger rail service to re-emerge, and succeed, is to have the rail service come to Brunswick, Maine. It does, in my view, make a lot of sense to do that for two reasons. First, one of the most sought after destinations in Maine is Freeport. Having the honor of serving that district, I can tell you first-hand of many times throughout the year where it is bumper-to-bumper automobile traffic at both the north and south bound exits of Interstate 295. It is almost gridlocked. What a tremendous way to welcome people and encourage them to use alternative forms of transportation than to have the train stop in Freeport, literally at the foot of the hill by L.L. Bean. More importantly, bringing the service to Brunswick opens up several other opportunities for economic growth. First, Brunswick is a cultural and educational center. It is the home of the Brunswick Naval Air Station. There are many industries, including B.I.W., Brunswick Technologies, and perhaps

others, who could see the passenger rail service, and freight rail service, as an alternative. Yet, the secret here, in my view, is that the State of Maine, not a private company, the State of Maine owns three separate rail services. We own the railroad bed that goes from Brunswick to Lewiston/Auburn, which gives us access to the western part of Maine and beyond. The State of Maine owns the railway bed that literally comes right here to Augusta. And, the State of Maine owns the railway bed that goes from Brunswick to Rockland. You might be interested to know that in the Town of Rockland, as I understand it, the old railroad station is their present City Hall, and there are plans to move out of there and, indeed, it could become a railroad terminal again.

So, if we can look to the future, we can look to the horizon and ask ourselves how are we going to grow without cutting more trees and widening more roads, which, particularly along the Route 1 corridor, would literally devastate 19th century Maine. Your view going through the towns of Woolwich and Wiscasset, and others, to widen the road to accommodate future growth, would require a lot of demolition of our architecture and our New England charm. I could go on about all of the opportunities of the future, but we need to make decisions about the present. One of the reasons that I was delighted to sponsor this bill was because I share many of the concerns that perhaps you have of how we are going to initiate passenger rail service, and what happens if it isn't immediately successful. I am genuinely concerned about that. I don't want the train heading right into the General Fund checkbook, or the Highway Fund checkbook. That's why this legislation before us is so important. Because if you don't want to see passenger rail service in Maine, if you don't want it to happen, then the solution is to go back to Legislative document 720 in the first session of the 115th Maine Legislature. This is the law that requires the Department of Transportation to do this, and if you don't want passenger rail service then you need to repeal this law. If you want to protect the State's checkbook from deficits, and other potential financial challenges that this may face, then you will join me in defeating the pending motion.

The pending motion creates a railroad authority. It empowers an authority made up of five people appointed by the Governor, with oversight by the Commissioner of Transportation. In fact, the Commissioner of Transportation must approve the budget. Their budget must be submitted here, to the Legislative Council, and they must annually account for their financial dealings. This railroad authority would be charged with finishing up the negotiations on several fronts that have delayed the initiation of this service. There are seven separate agreements that have been worked on over the last several years to make sure that when this service comes to life it does so in a prudent, safe, and effective manner. All of those are almost complete. What I am suggesting to you today, that by creating a passenger rail authority, we will insulate the State's checkbook from liability. We will put the responsibility of performance and accountability within that authority.

It's interesting for me to note, and perhaps you will find it curious as well, that the State of

Maine's share of reinstating passenger rail service is only about 10% of the total cost. That has come from a couple of sources. First, in 1991, the citizens of Maine overwhelmingly approved the bond issue of \$3 million to help restore this service. In addition, the Commissioner of Transportation is proposing to use \$2 million of congestion mitigation funding. In the second year, \$2 million of that funding, in the third year \$1 million from the Maine Turnpike Authority transfer, and in the fourth year \$1 million from the Maine Turnpike Authority. What's also worth noting is that when we decide to make improvements to our roads and bridges the State of Maine is expected to come up with twenty cents on the dollar. In this case we are only being asked to come up with ten cents on the dollar, without raising a dime in new revenue from Maine taxpayers. Also, the Amtrak service is prepared to put up all of the equipment necessary to begin operating this service. If we compared this with the other forms of subsidy that we, the citizens of Maine, provide, people are quick to say, "Why would we want to bring back passenger rail service? It's not going to pay for itself." That's the dire prediction. I would submit to you our airports don't pay for themselves. I would submit to you that in the State General Fund budget there is about \$1.7 million to subsidize the ferry terminals. Incidentally, per passenger mile, it costs almost five times as much to subsidize our passenger ferry service as it would for the proposed passenger rail service. The issue before us, are we going to look at the horizon and assure that in the next decade there is opportunity for growth, that we can prove we have used our existing assets wisely and that we have been good stewards of the environment? That we have created options to move people, and our goods and services, within our existing infrastructure? If that makes sense to you then I hope you will join me in defeating the pending motion. If you are as concerned about protecting the State's financial affairs, by adopting this service, then this bill makes perfect sense. Thank you Mr. President.

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

Senator BUTLAND: Thank you Mr. President, Ladies and Gentlemen of the Maine Senate. First of all, I would like to thank the presiding officer for allowing this debate to go beyond the scope of the legislative document before us, "An Act to Create the Northern New England Passenger Rail Authority", into the larger debate, which is Amtrak. It's been suggested here today that we need to look at the horizon, and that what one needs is vision to appreciate the merits of continuation of passenger rail service from Portland to Boston. I hope that you will excuse me if I fail to support that idea, and support the pending motion, for you see my vision is obscured by a sea of red ink, emanating from Washington D.C. Last October I had the opportunity to take my wife and my young son into Monument Square, in the City of Portland, to view the Concord Coalition National Debt Clock. It was there on a nationwide tour. My son is six years old, and he was quite amazed at how fast the numbers were changing, how fast the numbers were increasing as our national debt creeps ever closer to \$5 trillion, with a "T". He didn't understand, or comprehend, or appreciate

the gravity of that situation, but I certainly did, and I must tell you that I was embarrassed. We are, in fact, mortgaging the next generation's future in the name of vision. For me, the Amtrak proposal represents what is absolutely wrong and corrupt about politics and government in America today. Despite all of the warnings about our perilous economic viability we continue to deficit spend. We continue to be seduced by the notion that this somehow is free money, and if we don't take advantage of this free money somebody else will. This is a travesty and a shame.

I want to review for you the Amtrak proposal. We are proposing to spend \$60 million in federal money, deficit spending, to initiate a service to compete against an existing service that is privately owned. Once again, we are pitting big government against private enterprise. The \$60 million, \$38 million for the upgrade and \$20 million plus for the equipment, is not the end. As a matter of fact it could be, quite frankly, the tip of the iceberg because of the liability problems, and because this rail service will require an annual subsidy, a state subsidy that will divert scarce resources from our already underfunded transportation infrastructure. To me this is just not rational behavior. Let's break down the equation just a little bit further. First of all, we already have low-cost, high-efficiency, mass transportation from Portland to Boston. It's called the bus service, and two companies compete with low prices and quality service for that business. They provide twelve trips daily between Portland and Boston, and the average cost is \$20 for a round trip. This existing bus service is fast, it's frequent, it's flexible, it's inexpensive, it's convenient, and it's privately owned. It's everything that Amtrak will not be. The buses run from Portland to Boston, to South Station and to Logan Airport, twelve times a day. Amtrak is only going to offer four round trips a day. The bus trip takes one hour and fifty minutes. Amtrak is going to take two and a half hours. The existing service is very flexible, if you need to add more buses to address fluctuations in demand, it's a very simple matter. The cost of the train ride, with government subsidy, will be twice as expensive as the bus trip. Bus service goes directly to South Station and Logan Airport, where it can further access national transportation networks. The train is going to end at North Station, which is okay if your object is to watch the Celtics play. But, if you want to go to South Station, or to Logan Airport, you have an inconvenient distance to travel. What about Amtrak itself? What is the state of Amtrak? We can sum it up by saying pretty sad. I could have distributed any number of articles from national magazines and newspapers today that would chronicle the decline of Amtrak. I chose not to because I think a personal anecdote will tell the tale far better, and far more convincingly. My mother-in-law comes from Gardiner. All of her family were in the railroad business. For a Christmas present this year, my wife and I decided that we would send her parents to Florida on the train. They are in their early seventies and we thought that this would probably be the last opportunity for them to enjoy something like this. My wife's sister-in-law took them to South Station, where they caught the train, and two weeks later my family, my wife and children and I, went down to

retrieve them. I was kind of curious as to just how my father-in-law would react, because he is very opinionated. I thought that his opinion, or criticism, of the train would be muted by the fact that we paid for it. We retrieved the bags and headed back towards Cumberland, and the conversation finally got around to how was the ride? The first sentence out of his mouth was, "I will never, ever, ever, do that again." They had just spent three hours and fifteen minutes coming from Providence to Boston, not a long trip at all. Their average speed was fifteen miles per hour, and that was because the track was in such poor shape. The highlight of the train trip was when they arrived in Florida. About three hours from their destination, they stopped at a station and an announcement was made that because of the poor quality of the track, the train could not continue on and that they would have to divert to buses for the remainder of the trip. It was the highlight of their trip. Seventy-five miles an hour, smooth, air conditioned, TV's, comfortable seats. That's what they remember of their Amtrak ride to Florida. I bring that up because that's who we are going to jump into bed with, Amtrak.

The train service will run through two other states, New Hampshire and Massachusetts. Neither of those states want to get involved. They have refused to join the project because of the liability problems, and because of the speculative nature of this venture. The New Hampshire Department of Transportation Commissioner, Charles O'Leary, summarizes his opposition in the following manner: "What this project does is divert funds from the overwhelming need to repair our infrastructure in order to handle .2% to .3% of the Maine to Massachusetts corridor traffic." Charlie O'Leary is skeptical because his state, a few years ago, experimented in a train run from Concord, New Hampshire to Boston. About the same project that we are talking about here, the same distance, pretty much the same population density and demographics. It lasted one year. It failed because of increasing expense, and because of poor ridership. I had a series of newspaper articles distributed to the desks this morning, and I think it speaks quite eloquently to the transportation needs of the State of Maine. I urge that you file this away, not in the round file, but somewhere in your transportation file, because I think it's an excellent resource. If you haven't had a chance to look at that, I would like to bring out some high points, included not only in this article but in some other transportation related material that we have received recently. Sixty percent of Maine's 7,200 mile road system is rated as poor or fair. We now have a 755 mile backlog of State highways that need major resurfacing or complete rebuilding. Of the State's 3,532 bridges, 1,317 are more than 50 years old. It sounds like the State of Maine is in the same shape that the State of New Hampshire was. As the State legislative body, we face the concept of opportunity costs every single day. You spend money for project "X" at the expense of project or program "Y". At the state level we have to prioritize because our budget must be balanced and we can't print money like the federal government. Money spent to prop up Amtrak could, and should, be used on bridge repair and road construction. I suspect that a more aggressive bridge repair schedule might have prevented the recent collapse of the Lewiston/Auburn bridge.

I was in Aroostook County last Friday. One of the top priorities for the people in Aroostook County, based on their comments to me, was extension of I-95 further into the county. It's a very pressing, and a very real need. I have another concern, and that is the existing bus service between Bangor and Portland. To a certain extent, that bus service is subsidized by the Portland to Boston run. It is my fear that if we jeopardize the Portland to Boston run, by establishing a competing mode of transportation, we also jeopardize the Bangor to Portland, and the Rockland to Portland runs. I know that somebody will have an answer to that, that we can come in in a couple of years, and we can spend more money to subsidize the bus companies to make those runs. Choices that we face here, every day, are not simple. The choices today are not simple, and the decisions are not easy, but it is my hope that the next time I see my son, I can remind him of that clock in Monument Square in Portland, racing towards the \$5 trillion mark, and that I can say that we in the State Senate, we didn't turn back that clock, but we made it pause. We made it pause for a brief moment.

I want to wrap it up by saying don't be seduced by the notion of free money. There is no such thing as free money. I hope that you will support the pending motion, which is Ought Not to Pass, and Mr. President, when the vote is taken I request that it be taken by the Yeas and Nays. Thank you.

Senator **BUTLAND** of Cumberland requested a Roll Call.

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

Senator **PARADIS:** Thank you very much Mr. President, Men and Women of the Senate. It was with much excitement that I bordered a seven-passenger cessna plane of Pine State Airlines to come down here Monday morning. That was made possible by the vote of this body and the other body in terms of supporting transportation tools that most people here might not ever use, but we knew that it was very, very important to the North. I appreciated the comments from the Senator from Cumberland because, similarly, we in the County might not use that rail authority, or that particular form of transportation very much because of our location, but we do appreciate the value of being connected. My point here this morning is the fact that we need something, and this would, indeed, be insulating the Department of Transportation from all the liabilities that we often deal with. I have been very pleased with the work of the Maine Turnpike Authority, for example. I remember being on the Appropriations Committee, we kept raiding their coffers because that's how well run they were. We have some major, major, transportation problems still, in the north, we haven't produced the request for the 20% match of our I-95, from Houlton to Fort Kent, because of the budgetary problems, but we don't feel that this authority would, in any way, negate the good work, having the kind of connection by rail that the southern part of the State needs at this time. I urge you not to support the Ought Not to Pass. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just a few comments on some of the points that were made this morning. There are two difficult aspects of this question for me. One is that I love trains and I have traveled on them extensively, and I would love to see them come to Maine. But the project worries me a great deal. The other is that the people of Maine have said that they would like to encourage train travel, and it is not lightly that I oppose what I perceive to be the will of the people. However, one of the advantages of serving in a legislature is that we are often privy to more detailed information than is generally easily accessible to the public. I feel this is a case where I have an obligation to exercise a certain leadership responsibility because of the numbers that, to me, don't add up in this project. One of the comments that was made this morning was the amount to which we subsidize the ferry system. It's true that they are subsidized quite generously, but the difference with this project is if we close the ferry system because of the level of subsidy, you cannot get to the islands by bus.

The other issue that is a problem for me is I am not adverse to subsidizing necessary means of transportation where people have no other alternatives. The fact that people in some areas of the State might not use this system doesn't trouble me. What does trouble me is that the people in the southern part of the state might not use it either. Apparently, that has been the track record with Amtrak efforts all over the country. As far as I am aware, there is not one that is succeeding in terms of passenger rail. Commercial rail is a different story. But, no one has successfully implemented a passenger system that I am aware of in this country in recent years. My final point is the one about liability. I understand this authority to be a way to protect the State of Maine from liability in this project. I started thinking about what that meant. I believe that it means that the authority would not have access to state money in the event of this system not working out well, so that we would not have to pay state dollars into a system that was draining money. But, it also occurs to me that if that liability develops, which it has in projects all over the country, somebody must have liability. The authority successfully avoids liability simply on the basis of the fact that they have no assets. That says to me that if a liability is incurred, that doesn't mean that it doesn't get paid, it simply means that the rail authority doesn't have the ability to pay it, the state is held harmless from paying it, and therefore, I can only assume that the federal government would be left to pay that liability. Of course the dollars that they would use to do that are the dollars that would come out of the pockets of the taxpayers nationally. So, for all those reasons, I very reluctantly urge you to support the Ought Not to Pass motion. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. People will often look differently at a situation. Some people will look at a situation that occurs and see danger, pessimism and lack of opportunity. Some people will look at the same situation and see a chance to better themselves, a chance to better the lives of the people around them, and a chance to create economic opportunity. That's the situation we face here today with the passenger rail service, and this bill. We currently have a rail service that runs through York County that services businesses, its speed cannot exceed thirty miles an hour. In order to have a profitable freight train service, you really should have a train service running at seventy-five miles an hour. We have a chance, in York County, not just to move goods, but to move people too. Because in the economy of the future people are a natural resource. It makes good economic sense to create a passenger rail service, but there is risk. With every risk there is an opportunity, and that's what's really at stake here, that's the entrepreneurial basis of our country, to take risks, to create a situation that you can capitalize on. No one is debating that it is going to cost us money to create a rail service. It's going to cost us money over a long period of time to create a passenger and a good freight rail service in Maine, there's no question about that at all. I would simply remind you, too, that the bus services are subsidized, the trucking services are subsidized, all those roads are paid for with taxpayers dollars, and matching federal dollars in many cases. The same situation exists. Some people say that's a users fee. In my view, most of the users who pay those fees, ditto the gas tax, are not the trucking companies, are not the buses, the vast majority of those gas taxes are paid by passengers. The vast majority of the damage and the usage to those roads are done by buses and trucks.

It's time we had a transportation system in the State of Maine that used all of Maine's advantages, and connected them together. Currently, in Wells, that's what they are planning for this train station, an intermodal transportation center that ties freight, buses, trains, bicycle paths, summer trollies, all of them together in a situation that can create economic opportunity. I would urge you to pass this bill and create this transportation authority. Thank you.

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

Senator **CASSIDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have had the opportunity to hear a lot of debate on this issue. I have been a member of the Transportation Committee, although with my other responsibility, I have missed a couple of those discussions. Those of you who have gotten to know me here this year, know that I usually have my mind set on issues. After looking at issues, and making a decision, it's pretty hard to get me to go away from that decision, once I have decided that I think that that's the right thing to do. This particular issue isn't quite that simple. It's one of those kinds of issues that you try to weight all the debate and discussion that you have heard, this morning and also in the Transportation Committee, and then you make your decision based on which one of

those issues seems to outweigh the others. If you looked at the report last week, when this was on our calendar, I did support this proposal. The thing that I looked at, and as I listened to some of the debate, we also have been working with the value of the Turnpike Authority, for example. If you start to get the big picture that's coming, probably out of Washington or whoever is deciding these things, that we need to look at alternative modes of transportation, the sensible transportation act, and the things that we are trying to do to make it possible to widen the turnpike, and other alternative modes of transportation. The one that sort of cracks me up is the option of bicycles. I would like to see them up to Calais and Woodland next January, biking to work, but anyway that's another subject.

Unfortunately some of these proposals, rules and regulations coming out of Washington, and maybe they have never driven through some of these rural States, like Maine, and the roads that we have. You all have a book here, I hope you take an opportunity to read about Washington County. In the middle is a map that shows my district of 2500 square miles. It's 150 miles from one end of my district to the other, and I still say, as I said last week, that our road system is going to be the most important part, for sure, of our transportation system. That being said, I did make the decision to support this proposal. I think some of the arguments we heard earlier, and I won't repeat them, about at least upgrading our present rail system, and all those sorts of things, and I also agree with the good Senator from Cumberland. As the Mayor of the City Council, I loved it when our Superintendent would come in and we would go out to one of the schools, and his opening statement was "It won't cost you a cent." I think you all know, we are still paying, and we still will be. I agree, that on the federal dollars, it is the same situation, if we see these dollars somebody is going to pay, but with all the debate I have heard, I am still going to stick to my decision on the Committee last week and, because of a lot of the reasons that you have heard in support of this. Thank you Mr. President.

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

Senator BUTLAND: Thank you Mr. President. I just want to respond to some of the speakers. The good Senator from Aroostook talked about being happy with the subsidy to fly down here. I would remind her that if she wanted to go between Portland and Boston, it would be quicker to go, and cheaper to go, by the bus, and there is less of a subsidy there. Any subsidies to the roads are subsidies that I can take care of, or take advantage of, with my vehicle. When I was a youngster I tried to drive the family car on the railroad tracks and I didn't get very far. I have wanted to support this for a long time, and I have found no really compelling reason. The good Senator from York, Senator Lawrence, talks about the track up-grade. I even went as far as the last month, the month of May, to bring Colin Pease in to talk about the advantages to Guilford Transportation that this would bring. They so confounded me that I asked him to please pause while I could take out a pencil and a piece of paper to write some of these down. I will give you a couple of direct quotes. "Establishing rail service between Boston and

Portland is not a benefit for our railroad." This is the tracks they are going over. Guilford Transportation says, "We don't want it. This is a field of dreams project. If you build it, they will come. It is based on the glory and the romance of trains." More directly, to what the good Senator from York, Senator Lawrence, said, the reason they don't want it is because they don't need to travel at seventy-five miles an hour. Unless Mr. Pease doesn't know his business, and doesn't know his railroad, he told me this, he said eighty-mile-an-hour tracks are of absolutely no value to Guilford. He said we prefer to run our trains at forty miles an hour for a number of reasons, the first and foremost is that the cost of maintaining those tracks at eighty miles an hour rises exponentially. It is astronomical. They can't run their equipment at seventy-five or eighty miles an hour because of the liability due to accidents and due to equipment failure. He specifically stated that the incidence of bearing burnouts and potential derailments increase dramatically over forty miles an hour. He also said that, typically, the cost of operating one of these projects, 55% of it is taken up through the farebox, through the fares that people pay. The annual cost of the Portland to Boston run is \$8 million, so we can plan on a subsidy of \$3.5 million to \$4 million. Where is that going to come from? It's going to come from highway funds, it's going to come from the turnpike. You saw the other day, in the Governor's bond proposal, that there is a \$2 million bond, general fund obligation, for the railroad. He said that the Concord to Boston run failed just because it was not a good idea. The Portland to Boston run is going to fail even more miserably because the only thing that will keep them going is the commuter population in New Hampshire. Right now, from Portsmouth to Boston, the Massachusetts Bay Transit Authority, I think, runs twelve trips a day. They've got that market. We're not going to grab that market, I can guarantee you that. He said over the course of the Amtrak contract revenues will remain flat but the operating costs will soar, and the need for subsidy will increase. They are planning on upgrading the track with \$38 million in federal funds. It's a twenty-year contract. Some people have said well, if this goes belly up in four years the federal government will forgive us. When we sold the turnpike a couple of years ago, that four or five miles of the turnpike, we didn't get all of the money because we had to refund some money to the federal government. They didn't let us out of that contract. His comment on that particular issue was, "In a meeting with federal government officials it was stated that the twenty-year limit was firm. The State would be purchasing services for twenty years, any early opt out would trigger a prorated payback." The Governor has said he will support this for four years, if it doesn't pay for itself then we are not going to support it any more. Sixteen years worth of \$38 million is a heck of a lot of Route 9 in Washington County.

He ended by saying that he was proud to be going to some national railway safety convention, at some unknown destination, and that Guilford had proven to be the second safest railroad in the nation. He ended the comment by saying that Amtrak is the most unsafe long-lines railroad in the nation. Those are the folks that we are getting into this project

with. We really need to think twice about it. Thank you.

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

Senator O'DEA: Thank you Mr. President, Men and Women of the Senate. This time, like so many times in this chamber, the person speaking will stand and say, "I hadn't intended to speak to this issue, however..." Today's debate has been so sufficiently noteworthy that it called me to my feet. I got to thinking about some of the things that were said here about transportation and transportation infrastructure, and some of the comments that were made about some of the more outlying parts of the state, and I think about an experience that my mother had last week. As she was trying to leave Aroostook County to travel to southern New England, to a funeral, a very helpful travel agent suggested that the best route for her to take, the best itinerary that he could put together would be to have her drive to Portland, from Cross Lake, up in northern Aroostook, and then fly to Newark, and then fly from Newark to Providence, and then take a taxi cab to Pawtucket, Rhode Island. I know a little bit about travel from some of the outlying quarters of the state, because I used to live there. I think it's ironic that today, as we sit here and talk about access to our cities and to markets, it's those people who have access, who have convenient and ready access, who are working so hard to torpedo this for some of us who do not. I think back to that old saying, we were sitting back on the bench a few minutes ago, talking about that old saying that was used to eulogize one of our great leaders a few years back. The old quote, "Some people see things as they are, and ask 'Why?'. Some people see things as they could be, and ask 'Why not?'" In this chamber, people see things as they used to be and then provide thirty reasons why we shouldn't do anything to deviate from the status quo. Some of those reasons might include; someone got killed in a train wreck last week, I know somebody who rode on a train and they had to go slow, it might cost us some money in the future, nobody knows what will happen, this could provide competition with bus lines. I'm not sure if these things are really the basis, or would provide a good basis, for sound public policy. I think we have an opportunity to do something to improve our state's infrastructure, to make it more attractive for people to come here, for tourism, which in case some folks hadn't noticed, is a major industry, especially the farther north you go. I think we have an opportunity to do something to improve our business climate, in terms of manufacturing. And, I think we have an opportunity to do something right now for the next generation at a relatively minor cost, and where our state's exposure, fiscally and from a liability perspective, are well leveraged. I would urge you to reject the motion on the floor. I think it's prudent that we move forward in this area. We are the only industrialized country in the world that doesn't have an adequate rail system. Thank you.

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

Senator McCormick: Thank you Mr. President, Men and Women of the Senate. I find it a little bit

unbelievable, all this talk of subsidy and what is subsidized and what is not subsidized. I just want to pose one thought for us to consider. I believe that since our highway industry, and our highway system, and the roads that we travel on in our cars and buses and trucks, is almost 100% subsidized, that if the level of highway subsidy had fallen, over the past 30 years, to the level that we have subsidized rail, we would be driving our cars fifteen miles an hour, because the roads would be in that poor shape. So, it's apples and apples here. All transportation in this country is subsidized. So, let's lay that issue to rest. The last point I want to make is about economic development. We just got on our desks, yesterday I think, the Economic Growth Council report, which was chaired by our very own Senator Pingree from Knox, and Kevin Gildard, of Bath Iron Works. I don't know if any of you have paused to read it, but it has a lot to say on the subject of transportation. I was pleased to participate in this mammoth project on the work force sub-committee. If you turn, in your books, there are three, transportation is addressed in every single book. Let me just read to you the vision statement for Maine on infrastructure. This is in book number one, page 20. "Maine is envisioned as the gateway to the Atlantic rim. To fulfill this vision, and to ensure quality of life to Maine citizens, long-term growth of Maine's economic development capacity requires the public and private sectors to work in partnership to build an infrastructure system through integrated investment that is comprehensive, integrated, cost-effective, and environmentally sound." That's the vision statement. Under that, we have specific goals on telecommunication, utilities, and transportation. If we read the transportation paragraph, it says, "The State must improve and maintain the existing transportation infrastructure while selectively deciding to increase the availability of alternative modes, on case by case basis through a decision-making process which involves a cross-section of interests and sectors." The whole system that we have laid out before us in this Economic Growth Council, is a system of benchmarks. We set out goals, and we set out absolute measures, and if we meet those measures we can tell how we are progressing on our road towards economic development. So, the benchmarks and goals of the infrastructure is found in the "Progress '95" book. On page 21, if you look down at the bottom, it says, under suggested performance measures and benchmarks, for the urgent goal, this in an urgent goal, traffic and capacity for moving people and goods through Maine's marine ports and air and rail systems, that is the subject, the benchmark is, this is the goal we want to reach, by 2005 there will be a 10% increase in passenger and goods movement on Maine's non-highway transportation network. There is a very concrete goal that we need to try to reach if we are going to accomplish the goal of making Maine a state where we can live and business can grow in the way that will move us ahead. If you look on the little snapshot, one page summary, wherein you will find the urgent goals only, you will see, on the right side, under telecommunications and transportation that it is an urgent goal that passenger and freight moving over Maine's non-highway transportation network will increase from current levels. That's summarizing the urgent goal I just read. So, my fellow Senators, we talk a lot about

economic development, and it seems to be foremost in our minds, and to do that we must put our money where our mouth is. This is economic development right here. If you read all the economists they will tell you there are only two things that it is worthwhile for a country or a state to put money into, to invest in, if they want to move forward economically. One is its infrastructure, and we are talking infrastructure here today. Two is its people, education, training. So, please, let's keep our eyes on the vision, on the horizon, as the good Senator from Cumberland said, and let's pass this rail authority. It's important for Maine's economic growth. Thank you.

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

Senator **MILLS:** Thank you Mr. President, Men and Women of the Senate. I think it's perhaps useful to keep in mind how small this project really is. If we were talking about condemning 100 miles of land, 166 feet wide, between Portland and Boston, and building a railroad system from scratch, there's nobody in this chamber that would support the motion. What we are talking about is simply making use, an alternative use, of an existing asset that was established over one hundred years ago. There has been talk about the liability features of this project. My understanding is the whole reason for this little bill that's in front of us, is to create an entity that will shield the State of Maine from the contractual liability to repay the modest investment that may be made by the federal government in the event that the full twenty-year amortization period is not run out. So, looking at the bill in front of us, even if you oppose the idea of having a rail service between Portland and Boston, you should favor this bill because all this bill does is help to insulate the State of Maine from the federal liability payback obligation, should it arise. If we fail to pass this bill, we still have on the books a law that directs the Department of Transportation to follow through with this project. If the existing law on the books is implemented by the DOT, it will expose Maine and the DOT to the liabilities that people are talking about. So, the whole reason for this small bill, this rather narrow bill that is in front of the body at present, is to take care of that one concern. The other use of the word liability, and I suppose it would apply to tort liability and what happens if there is a major accident, my understanding is that Amtrak carries \$200 million worth of liability insurance that covers their operations all over the United States, and that there never has been any accident that ever gave rise to a challenge to those liability limits, and that no state has ever had to respond in damages for any harm that may have been done on any of the Amtrak rails.

Finally, I did not serve on the Transportation Committee, I did not sit through the days of hearings that they had on this issue, and I cannot even pretend to have any depth of understanding that the Transportation Committee developed over the hearings that they held. I do say that I have some deference to the opinions of those who voted in the majority on this issue, and I also have great deference for our Congressmen and our Senators, who have put this project together and who have developed the rather

substantial funding behind it. I think it would be a shame for the project to be derailed for some small reason, like the failure to pass the bill that's presently in front of us, and, as I have suggested, I'm not sure that the failure to pass this bill would kill the project, I rather think it would mean we would still have to go forward but without the protection of the entity that this bill would create. Thank you.

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

Senator **PINGREE:** Thank you Mr. President. This debate today is making me angry. I am not well versed in mass transportation, or many of the details that we are arguing today, but it is clear to me that once again we are disregarding the long-term vision. We are not thinking about the future. We are protecting special interests and not the people of the State of Maine. We are listening to arguments of fear. We are crafting numbers to suit the argument, saying that the buses won't run and perhaps the bridge in Lewiston would have been safe if we had not been thinking about such wild and crazy ideas as rail, well all the while we know that we subsidize the automobile and we pay the associated costs, through costs of air pollution, safety issues, congestion on our highways, and we are afraid to look at the alternatives. The people have spoken to us loud and clear on this issue. If they had spoken this loudly on anything else that we weren't protecting someone over, we would go along with it. This is the best way to proceed on this issue. It's the most sensible way to handle the questions of how we are going to look at rail in the future. I am disappointed that we are even considering turning down this proposal.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have to agree with the good Senator from Penobscot, Senator O'Dea, that a lot of us probably didn't intend to speak today, but since Senator Cassidy, the good Senator from Washington County, got up to give a small infomercial for Washington County, I feel that I have to put a plug in for York County right now. Particularly since this rail service will service the people in York County. I know my wife and I are looking forward to someday taking our five children on this train and going to Boston and enjoying the sights. As it has been pointed out, we don't enjoy paying \$18 for a parking space when we get there, but of course, we also enjoy going to Portland and Freeport and other places and bringing our family there. But, there are a lot of constituents of mine, a lot of families like ours in York County, who are very interested in having this service come through York County so that they can take their families to Boston. I have had many conversations with these people. I think we all have a vision of jumping on the train and taking a nice ride to Boston to see the sights. The word nostalgia always comes up. I think, in fact, that sometimes, as we are talking about this issue, it almost becomes like a Disney World atmosphere that we are thinking about, a little vision of the Sound of Music sometimes. Always, we

continue the conversation. As the good Senator from York said, Senator Lawrence, the entrepreneurial spirit in this country did make us great, the risk taking spirit that we do have, but I would like to point out that it is business that should take those risks, and not government. It is business who should take risks with the stockholder's money, not government who should take risks with the taxpayer's money. I think we all came here with the same purpose. We have all stated many times that we want to have a smaller, more efficient, government, and we are trying to reach that end, but I think the question really should be, why does government fail so often at the things that it tries to do? For the last thirty years we have been putting more and more money into our welfare system, yet we have more abused children, more poor people than ever before. We have put more and more money into our education system, yet we are more poorly educated than ever before, and more disappointed in the education that our children are receiving. Many of us, often times, question the delivery of our mail service. What makes us think that the government can make the trains run on time? There have been issues raised today about the liability, and some of the information we have gotten, I think its clear that we are exposing the taxpayers of this State to liability, millions of dollars that may have to be paid back to the federal government if this is not a successful venture, liability for catastrophic events, and I would like to say that it is not just the possibility of one accident or one person getting hurt, but certainly every year in the news there are stories of many people on the Amtrak system losing their lives and getting hurt. In fact, recently, in the State of Alabama, a train ran off the track into the bay, they lost hundreds of people. Yet we are telling the people of this State, don't worry you won't have to pay for it, because you are going to be shielded by an authority that has no assets, run by your government. In effect what we are telling the taxpayers is that they will be held harmless. Try telling that to the hospitals today. I don't think we have a good history of ventures like this. In good conscience, I can't tell the taxpayers of this State that they will be held harmless, and as much as I would like to board my family on that train, I think our greater responsibility is to the taxpayers across this State, and not risking their hard-earned money on a venture such as this. So, I urge you to accept the pending motion. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. I'm always reminded of the remark I heard once, when I first got elected to the legislature, and someone experienced in this was talking to me. He said, "If you always look long enough, you can always find a reason to vote against anything." I keep hearing that over and over in my mind again when I hear some of the comments of the people and the fear about the liability, and what happened in Concord, and all those different things. The reality is there is a big difference here, a couple of big differences here. If you want to believe what the previous speaker said about private business should be the one taking the risk, then you never would have created the Maine Turnpike

Authority. Where would the State of Maine be without the Maine Turnpike Authority? We would never have put a man on the moon if we relied on private business to do it. Think what technology that has generated for our country and how it has advanced our country. There's a big difference between what happened over in Concord, and what can happen in Maine. One of the recent things that came out of the 1990 census, it was kind of surprising and a little bit frightening for everybody, but in fact one-third of York County is now in the Boston metropolitan area. One-third, and by the next decade they predict the Boston metropolitan area will include the City of Portland.

When I first graduated from college, I took a train from Boston into Washington. What I saw along the way, in all the stops from Boston, south to North Attleboro, into Rhode Island, into Connecticut, into New York, was a great sense of activity, a great sense of business, a great sense of that entrepreneurial spirit we have in Maine. Produced by a government running a railroad that benefitted businesses. If you look at the south side of Boston, there is a tremendous amount of development there, not only in business development, residential development, commuters moving in, the raw material of our business future. If you look north of Boston there is very little, there is very little. One of the big differences is the lack of rail service north of Boston. We have to face the fact that Boston is our major metropolitan area for New England. It is the major financial center. It is the major trading port. If we want to be connected in economic development, let's get connected with all of New England. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. I will be voting for rails today because I want to vote for commerce, I want to vote for increased tourism, I want to vote for the environment, I want to vote for liability, I want to vote for a program that will increase the flow of commerce and people at what I understand to be half price to, say, the widening of the turnpike, the one-hundred-plus-million dollar deal, not including bridges and bridge repair. I will be voting as I have heard the people speak. I have been hearing lobbyists speak, and I will be voting as I hear the people speak, and I think there is a difference. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Members of the Senate. I just listened to the good Senator from Waldo, Senator Longley, speak about the people. The people in my area, which is, or was, the rail hub for passenger service, have said they think they were snookered when they voted for the bill which prevented the widening of the Maine Turnpike. They thought that was all they were voting on and that's all it was really sold as, the expansion of the turnpike. This, obviously, crept into the bill, as did several other pages of material. They are incensed now that we can't widen the pike. They are not happy with the fact that on certain days the pike

is going to be, in effect, doubling its rates, but if you happen to travel at 2 o'clock in the morning they will give you seventy-five cents off on your ride. We are going back to the very same days when passenger service went out. I come from an era when I rode trains. I have to tell you that over the years, and sometimes near the end, the passenger train kept getting shorter and shorter. The club car disappeared, the dining car disappeared, and eventually the engine disappeared. If, in fact, there is a real need for passenger service, then maybe somebody can tell me why a little instrument called the budliner hasn't been travelling back and forth. It's a self-propelled unit, with one car, that will take as many passengers as you want to take, and if you need to attach another car to it, then a second car will go. There is no real need for passenger service in this State. The buses are doing a reasonably good job. Now I am confined to riding the bus when my car is not running.

If you read the statement of fact on this bill you will find it very interesting that the general purpose for this Northern New England Passenger Rail Authority is for promoting passenger rail service. It sounds like another tourist bureau to me. We don't have the money to pay for what we have now, and yet this is attempt to take another \$3 million out. Senator Harriman, from Cumberland, was correct, if we don't give it to this authority we will have to take care of it ourselves, as far as having the Department of Transportation do this, and maybe he is correct in that maybe we can also get a bill in, now that the people know exactly what the Maine Turnpike confinement bill was, they may now be willing to just do away with this "sensible" transportation policy issue. I am certainly going to be voting against this bill because I don't think the unions of Maine, for instance, which have been asking for support on this bill, are going to be getting anything out of it, and as the good Senator from Cumberland pointed out, they would love to have it go up to Brunswick. I would ask the question, who will pay for the Portland to Brunswick area?

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President, Colleagues of the Senate. I can't let it rest, the insult to the people of Maine, that they didn't know what they were voting for. If there is one piece about the Maine electorate that I highly respect, it is that they know what and who they are voting for. They voted for us, and they have spoken on this issue, and for those reading the Legislative Record down the road, the bus lobby, too, has spoken. I am going to be voting as I have seen the educated electorate speak. Thank you.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The insult here is to the taxpayers of this State who sent us here to cut spending and save their money, not to spend and put at risk more of their money. To the good Senator from York, Senator Lawrence, I would like to say the difference between business and government is that

the people in business have learned one lesson that the people in government have not, and that is if you spend more money than you have you will go broke. I urge you to start saving money in this government instead of spending money that we don't have. Thank you.

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

Senator **ABROMSON:** Thank you Mr. President. This L.D. 1255 has been around for some time, and it has given me a lot of cause for thought. Like the good Senator from Penobscot, I, too, had not planned to speak, however, I listened to the good Senator from York, Senator Lawrence, speak eloquently of entrepreneurship and risk. I will say it in sort of a less eloquent way, no guts no glory. Senator Harriman, of Cumberland, has mentioned the horizon, has mentioned vision. I think that around here we tend to think of the short term as between now and June 21, and the long term means the biennium. I think the good Senator from Cumberland, Senator Harriman, was correct that we have got to look long term. I have received one very, very thoughtful letter in opposition to this bill. I have received many, many phone calls, including one during the debate, urging my vote in favor of L.D. 1255. Those in favor have mentioned environmental considerations, economic growth, and so forth. I believe the people of my district have voted for me to make what I think is my best judgement. So, with my vote, I will take a big risk, by listening to my gut, and I will be voting in favor of the Ought Not to Pass.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I started off the debate this morning by asking us to look at the horizon and not at the headlines. I think that is how I want to end this debate, if we can, to think of the future, to recognize the opportunity that we have to assure that we can welcome and encourage more economic development, welcome and encourage more tourists, more new citizens, more options for people, by using an already existing asset. I also want to go on the record, once again, as strongly as I possibly can, that one of the best ways that this service can succeed is with the passenger rail service going to Brunswick. I think the Senator from Kennebec, Senator Carey, is absolutely correct, how are we going to do that? I also had the opportunity, in response to that question, to speak with Mr. Colin Pease at Guilford Transportation. He unequivocally agrees with me. The best opportunity for this to succeed is for the train to go to Brunswick. He said to me we can do it within the existing budget, here's how we do it. If you calculate the amount of time saved by upgrading the passenger rail lines to travel at seventy-five, or seventy-nine miles an hour, you can reach that maximum speed, and I am guessing here so please excuse me if this is incorrect, about twenty or thirty miles you can reach that speed, I think it's when you leave Wells and when you get to the first stop. What that amounts to is about twelve minutes. So, when we construct a track, if you put in a rail that can accommodate a speed of say sixty miles an hour, you save enough money to bring the

train from Portland to Brunswick. It can be done. Other ideas, like privatizing the service within the train, giving opportunities for local businesses to take part in the promotion and advertising of the train. I want to say that I respect, and I admire, and I understand the good Senator from Cumberland, Senator Butland, I share your concerns about the state of Amtrak and its future. I was particularly pleased on the fourth of May, perhaps many of you saw this as well, to learn that Amtrak's got the message that it's time to get their act together, it's time to start acting more like a customer-oriented business. The plans to make Amtrak more competitive in customer focus is already paying off. The company's second quarter mid-year business and financial report indicates revenue ridership is holding despite route and service changes that reduce Amtrak's annual train miles by more than 20% in fiscal year 1995. Amtrak's mid-year business and financial performance report reveals that as of March 31 its bottom line is \$17 million ahead of the aggressive plan adopted by the board of directors last December. The plan called for route and service adjustments, productivity improvements, fare adjustments, overhead reduction, and more aggressive marketing in order to eliminate the projected shortfall this fiscal year. I could go on and on. The message is that Amtrak understands that it needs to start acting more like a business, and it knows, as we all know, that its future is dependent upon how successful they are in implementing this plan. So, I share the concerns of the good Senator from Cumberland, Senator Butland. As we embark on this opportunity, and it is an opportunity, we are not going to the bus companies and saying we are taking your \$2 million of subsidy, we're not going to the ferry service and saying and we're taking your \$1.7 million of subsidy, we're not going to the proposed cargo port expansions and diverting their funds, we are not taking from somebody else, we are taking advantage of an opportunity of money that is already in existence, it's already there, it has a game plan that makes it clear. Here is the opportunity, over the next four years, here is the funding, here is the expectation, make it work.

I heard some conversation earlier this morning about, and I don't want to quote, but the impression I got was that this passenger rail authority was a shell to protect liability because the authority has no assets. While I could go into great detail about why I find that argument hollow, it's very similar to a private business. If you want to set up a business, and you sit down with your attorney, one of the very first things she or he is going to say to you is you ought to make sure that you set up a proper business form of organization to protect your family from liability. So what do we do, we set up sub-chapter S corporations, we set up limited liability corporations, we set up regular corporations, why? To assure that the operation of the company, or the mistakes, or errors, or omissions, of the company don't pierce through that veil or that wall to your family checkbook. That's all we are doing here. All of the issues that have been raised here today will be rightly and justifiably taken to this authority, and the authority is going to be appointed by people who represent us, by our government, and I'm sure the message is going to be loud and clear, before you

implement train service, convince us that Amtrak is the place to go. There are other options, but if it's Amtrak, prove it to us. Prove to us that you have got the accountability. Prove to us that it makes sense to go to Brunswick and what the ridership increase will produce, and so forth.

Mr. President, in my view, everyone who has spoken here this morning has given every good reason why they should vote no on the pending motion, because the question before us, Ladies and Gentlemen of the Senate, is not to repeal passenger rail service that 90,000 people in Maine said they wanted brought back here. That's not the question before us. The question is, are we going to act prudently, responsibly, by saying to the Department of Transportation, as you fulfill your mission that the citizens of Maine, through this Legislature, required you to do, do so with common sense in protecting the precious money in the State's checkbook. Thank you.

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

Senator **STEVENS:** Thank you Mr. President, Men and Women of the Senate. We have had some excellent debate on this piece of legislation. I still say that my vote is looking ahead to the future. There isn't any sense in saying it's federal money, it's just federal debt. If we have the Amtrak from Portland to Boston, Boston is the end of the line, unless we spend \$1 billion, or more, to connect North Station to South Station. The highway funding gap, which is one of the things I will be looking for in the future, maybe we can pull it together, the biennial expenses for the State's major highways amount to about \$169.6 million, or roughly \$139 billion short of the amount needed to maintain Maine's highways and bridges at the present time. In the bridge funding, we have 3,532 bridges, approximately \$46 million to keep them in shape, at the moment we are about \$32 million short. Regardless of whether we have trains or not, we still need highways and bridges to get to the terminal. I hope you will support the motion.

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

Senator **LORD:** Thank you Mr. President, my Learned Colleagues. I am going to vote for the present motion, and I am going to tell you why. My people have to travel the roads, going down to Portland or going down to Boston we have to travel the roads. We have to travel the bridges. When you get these roads and bridges up to first class condition, if I'm still living, I will vote for the train. I'm not going to vote for it until that time.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I have intended to speak on this issue from the beginning, I have just waited this long to allow the rest of you to speak first. I'm not angry about this debate, as I have heard another Senator admit, but my constituents are sure angry about what they are hearing in this debate. I can't, for the life of me, understand why I should vote for

this bill at a time when Route 4, running from Strong and the Avon area, to Rangeley, is so unsafe. My constituents said, "Benoit, when you get down to Augusta, see if you can do something about the safety of that stretch of road, would you please." Now, many of those who are voting for this bill live in areas of the State that have really nice smooth pavement. We're not complaining, in my district, about smoothness, we're complaining about safety. The good Senator, Senator Harriman, from Cumberland says look to the horizon. It sounds nice, but you know, when you're bumping along in your '47 Dodge Dakota, you can't see the horizon, you're trying to stay on the highway. I can tell you this story that I have mentioned before about my constituents from Rangeley on their way home from Farmington one evening in the Spring. There came a slide of soil down onto Route 4, pushing their vehicle up to the guardrail and pinning them there in the vehicle. On the other side of the guardrail is the Sandy River. They waited there until they were rescued. Now folks, rail service versus safety on our roads? I can't vote for rail service until the road service is made safe in my district. My district pours over three counties, Franklin, Somerset, and Kennebec. My constituents will not allow me to vote for this kind of legislation at a time when bridges and roads are so unsafe in my district. I plead with this legislature, help us to get a safe stretch of road, then vote for rail service. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **STEVENS** of Androscoggin that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BENOIT, BERUBE, BUTLAND, CAREY, CARPENTER, GOLDTHWAIT, HALL, HATHAWAY, LORD, PENDEXTER, STEVENS,** and the **PRESIDENT PRO TEM, Senator KIEFFER**

NAYS: Senators: **BEGLEY, BUSTIN, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

ABSENT: Senators: **HANLEY, SMALL**

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **STEVENS** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

Senate at Ease

Senate called to order by the President Pro Tem.

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

Off Record Remarks

The Bill **READ ONCE**.

Committee Amendment "A" (S-202) **READ** and **ADOPTED**.

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

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from Cumberland, Senator **BUTLAND** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator **KIEFFER** to his seat on the floor.

Senate called to Order by the President.

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

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until 5 o'clock 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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Amend the Real Estate Laws Concerning Validation of Defects"

H.P. 1059 L.D. 1488

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

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

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

The Bill **READ ONCE**.

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

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Operations of the Maine Board of Bar Examiners"

H.P. 1062 L.D. 1497

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Laws Regarding Workers' Compensation Pilot Projects"

H.P. 1017 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-362)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-362) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Maine Cancer Registry Law to Require the Reporting of All Cancer Cases to the Department of Human Services"

H.P. 845 L.D. 1176

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-370) **READ** and **ADOPTED**, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Provide Merchants Greater Recourse to Combat Deceptive and Illegal Practices"
H.P. 359 L.D. 479

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-360).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-360) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Amend the Maine Civil Rights Act to Provide Greater Protections to Reproductive Facilities"
H.P. 866 L.D. 1216

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-361).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-361) READ and ADOPTED, in concurrence.

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

The Committee on NATURAL RESOURCES on Bill "An Act to Create Wet-weather Water Quality Standards"
H.P. 1023 L.D. 1438

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-366).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-366) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Conform Maine Law with the Provisions of the Federal Clean Air Act and the Internal Revenue Code Pertaining to the Use of Dyed Fuel on Highways" (Emergency)
H.P. 919 L.D. 1295

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-371).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371) AND HOUSE AMENDMENT "A" (H-391).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-371) READ and ADOPTED, in concurrence.

House Amendment "A" (H-391) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Change Eligibility for the Elderly Low-cost Drug Program"
H.P. 963 L.D. 1372

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-364).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-364) **READ** and **ADOPTED**, in concurrence.

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

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 Increase Police Authority in Certain Cases of Disorderly Conduct

H.P. 357 L.D. 477
(H "A" H-315 to C "A" H-173)

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

H.P. 425 L.D. 582
(C "A" H-281)

An Act to Authorize a Multi-day Bass Tournament Permit

H.P. 795 L.D. 1112
(C "A" H-253; H "B" H-351)

An Act to Modernize Vital Statistics Reporting

S.P. 545 L.D. 1493
(C "A" S-192)

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

An Act Amending the Maine Residents Property Tax Program Allowing Persons Having Sole Responsibility for Property Maintenance the Entire Exemption

S.P. 311 L.D. 892
(C "A" S-193)

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Improve Postsecondary Education in the State (Emergency)

H.P. 361 L.D. 481

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-390)**.

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

The Resolve **READ ONCE**.

House Amendment "A" (H-390) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Improve and Make More Consistent the Administration of Personal Property Tax Assessing"
H.P. 551 L.D. 747

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

HATHAWAY of York
FERGUSON, JR. of Oxford
CAREY of Kennebec

Representatives:

TRIPP of Topsham
TUTTLE, JR. of Sanford
KEANE of Old Town
MURPHY of Berwick
GREEN of Monmouth
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-365).**

Signed:

Representatives:
DORE of Auburn
RICHARDSON of Portland

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

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

Senate
Ought to Pass As Amended

Senator **ESTY, JR.** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Teacher Certification Laws Relating to Certification Waivers"

S.P. 353 L.D. 981

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-225).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-225) **READ** and **ADOPTED**.

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

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

Bill "An Act Concerning Grandparents' Rights of Visitation and Custody"

H.P. 364 L.D. 484
(C "A" H-210)

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

Pending - **FURTHER CONSIDERATION**.

(In Senate, May 24, 1995, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1108)

(In House, June 6, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210) AS AMENDED BY HOUSE AMENDMENT "A" (H-379)**, thereto, in **NON-CONCURRENCE**.)

On motion by Senator **KIEFFER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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

HOUSE REPORTS from the Committee on **UTILITIES AND ENERGY** Bill "An Act to Allow Earlier Awarding of Funding of Intervenors in Cases before the Public Utilities Commission"

H.P. 647 L.D. 870

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-318)**. (12 members)

Minority - **Ought Not to Pass**. (1 member)

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

Pending - **FURTHER CONSIDERATION**.

(In House, June 1, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318)**.)

(In Senate, June 5, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, June 6, 1995, **ADHERED**.)

Senator **KIEFFER** of Aroostook moved that the Senate **ADHERE**.

Senator **CLEVELAND** of Androscoggin moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **CLEVELAND:** Thank you Mr. President. This matter, as we discussed earlier, is just a simple matter of determining the appropriate time when eligible intervenors at the Public Utilities Commission, who are approved by the Commission to

intervene, would receive some financial compensation for their intervention purposes. I took the liberty of inquiring to determine what impact this might have on what the requests for intervention has been. I think it is informative to review the record, as opposed to speculating about what may happen. Since intervention was allowed at the Public Utilities Commission, first by federal law and then by state law in 1980, there have been a total of nine individual requests for intervention. Of those nine requests, the Public Utilities Commission has approved five and disapproved four, in this fifteen year period that we are speaking of. The total amount of compensation awarded to those five intervenors in fifteen years has been \$93,000 total. It is important to remember that the utilities, when they present their side of the case and present their attorneys and intervenors, spend literally millions of dollars in each rate hearing to argue their side of the case, why the rate increase ought to be granted, why rate payers should be paying more dollars. Millions of dollars in every single rate case, every dime of which can be charged off and is allocated to the rate payers as a legitimate cost of the utilities. It's also important to remember that there are benefits that are derived from having intervenors involved, let me give you an example of one. In 1980 a group called the Maine Association of Independent Neighborhoods asked to intervene and was granted intervenor status. They presented testimony in regards to certain tax matters and issues that were being considered at the time. Their testimony solely, and it was documented by the Public Utilities Commission, that their testimony on those tax issues were appropriate and that \$1.6 million was disallowed, and therefore, saved to the rate payers. No one else made that case. No one else presented that testimony. But, through the knowledge, the expertise, and the insight of this intervenor, rates were reduced by a total of \$1.6 million, in that one case. Savings were made in the others as well, but I won't detail all of those for you at this point.

Clearly, in a situation where you have a regulated monopoly, where you don't have a marketplace controlling the prices and the customers, where you have an essential commodity which must be purchased, it is important to have a broad based, knowledgeable, thoughtful discussion of all the critical issues and what the price ought to be. It ought not to be based solely on one's economic condition that you have an opportunity to enter into that dialog, that if you have a legitimate point of view, if you are a legitimate intervenor, and you can show that you are making a contribution, I think it is unfair and unwise to deny those groups opportunity to do so when rate payers will benefit from their contribution that is not being made by any other group. Let me tell you a little bit about some of the hardships and burdens, and I wonder how many of you would be prepared, even if you knew you had a point that was legitimate, even though you knew you could present it well, if you had to endure these conditions. In 1980 there were two interventions. One of which I told you about was the \$1.6 million by the Maine Association of Independent Neighborhoods. The first group of intervenors started in 1980 and weren't awarded their funds until 1985. The second group who intervened, was shown to have a legitimate perspective, participated in the case and made a

contribution and were awarded funds, but never received the funds until 1994, 14 years later. As a matter of fact, the interest payment on the funds were greater than the amount they requested for the interventive status that would have been paid originally. It would have saved the rate payers money if they just would have made a decision to pay it, rather than pay the interest for 14 years, but they carried that for that period of time. The other two were done a little more expeditiously, in about a year or a year and a half they were paid. Clearly, what we have is a situation where the time is so lengthy before amounts are awarded, that those who have legitimate points of view, who are knowledgeable and can make a positive contribution, are being discouraged from presenting that point of view, which would benefit rate payers. Really, it seems to me that what is important here is how do we benefit the rate payers? Do we provide a realistic mechanism by which individuals with legitimate positions can have an opportunity to present them and not be barred and denied that opportunity to present those points of view simply because of their economic condition, they happen to be poorer than utilities or other well-funded individuals who can spend millions and get it recovered in their rates automatically. It seems to me that this is a reasonable and fair proposal. There was no evidence to suggest that the PUC has been anything but conservative and frugal in the expenditure of these funds. There is no suggestion that they would change that policy by allowing funds to be paid somewhat earlier so that individuals can meet their legitimate expenses. There is lots of evidence that suggests the rate payers benefit by allowing that to occur. I would hope that you would support the motion to recede and concur. 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 Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President. Good evening Ladies and Gentlemen of the Senate. I hope that you will join me in defeating the pending motion so that we can go on to Adhere, and do that because, while I share the concerns of my good friend from Androscoggin, Senator Cleveland, that this is a bill that in the last fifteen years only nine people have sought intervenor status, I would say that is probably as it should be, because presently, in order to be granted intervenor status you must prove that your position will contribute to the approval of the position advocated before the PUC. If we change the law it will say that you must have significant value and will contribute substantially to their decision. A much different standard, and, I would submit to you, an opportunity for even more people to want to be granted intervenor status. While that is not inherently bad, I would simply ask my colleagues here, why do we have a Public Advocate? Why did the Maine Association of Independent Neighborhoods have to go before the PUC on their own as an intervenor when we have someone who is charged, in statute, who has a free-standing budget, and by his own admission decides each and every day, what he is going to

advocate for? That's his job. That's what we appropriate money out of our general fund budget to do. I think it works well. I hope you will join me in defeating the pending motion. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CLEVELAND** of Androscoggin that the Senate **RECEDE** and **CONCUR**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BUSTIN, CAREY, CARPENTER, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CASSIDY, CIANCHETTE, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: ESTY

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CLEVELAND** of Androscoggin to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **ADHERED**.

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

HOUSE REPORTS from the Committee on **LABOR** on Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System"

H.P. 664 L.D. 887

Majority - **Ought Not to Pass**. (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (H-295). (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, June 6, 1995, the Bill and Accompanying Papers **COMMITTED** to the Committee on **BANKING AND INSURANCE**.)

(In Senate, June 7, 1995, Reports **READ**.)

On motion by Senator **KIEFFER** of Aroostook, the Bill and Accompanying Papers **COMMITTED** to the Committee on **BANKING AND INSURANCE**, in concurrence.

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

HOUSE REPORTS from the Committee on **TAXATION** on Bill "An Act to Increase Levels of Property Tax Relief Found in the Maine Residents Property Tax Program"

H.P. 450 L.D. 616

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (H-333). (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B"** (H-334). (6 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, June 6, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-333).)

(In Senate, June 7, 1995, Reports **READ**.)

Senator **HATHAWAY** of York moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-334) Report in **NON-CONCURRENCE**.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Amendment "B", we think, is the responsible answer to trying to help relieve some property tax relief for people who need it in this state. We think it is fiscally responsible at this point. What it does is it raises the minimum benefit from \$500 to \$1,000, to increase the size of the average benefit that is payable to

people. The fiscal note is \$6.4 million and I urge that you accept amendment "B". Thank you.

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

Senator **CAREY:** Thank you Mr. President, Members of the Senate. The majority report is the one that will do more for property tax relief than the pending motion will. I will certainly urge that you defeat the pending motion and then go with Report "A".

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. Once upon a time in this state we had a property tax cut program that cut the property taxes for most middle class people in Maine. That tax cut was substantially damaged in the budget two years ago. We have a chance today to restore those cuts to Mainers, but this present motion is not it. What happens, under the present motion, to an elderly couple who earns \$26,000 a year and is paying \$1,800 in property taxes? The answer is nothing. They do not get their property tax cut by this present motion. What happens to a family of four with a yearly income of \$32,000 a year? Imagine raising a family of four on \$32,000 a year and paying \$2,500 in property taxes. That happens in my district. This motion will do nothing for that middle class family. Imagine a two-person household, say one person works at Sears as a mechanic, and one works as a bank teller. They bring home \$34,000 and pay \$2,000 in property taxes. This current motion will do nothing for that family. Earlier this year we voted on other tax cuts. We voted on taking 1% off the sales tax. It was argued that that would put money in Mainer's pockets and help to stimulate the economy. But, a family of four, making \$30,000 a year, it's estimated they are spending \$5,000 a year on taxable items, they would have no more than \$50 of savings in a sales tax cut. Yet that same family, paying \$2,000 a year in property taxes, would receive between \$500 and \$1,000 in a property tax cut. It's time we got serious about cutting the property taxes of people of the State of Maine. I urge you to defeat this motion so we can go on and accept the Majority report. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Members of the Senate. Let me tell you about the major difference in the two bills. The report that the good Senator from York, Senator Hathaway, would ask you to support, keeps the level at \$25,000. The report that was signed by the majority would increase the level of income to \$35,000 before you get cut out of any reimbursements. We basically used the same figure of 7% of your income, up to a maximum of \$1,000, and you will get up to 50% of your income to 5% of your income, and then the 7% kicks in. It's probably getting a little wierd for some people who don't really deal with this, it's fairly wierd for those of us who are on Taxation, I'll tell you. But, in any event, the bill that the majority signed out, does much more for the property tax payers in this state than the report that is currently being voted upon.

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 Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When I consider how to vote on this particular item, I think first of the problems we are having with the school funding formula. There has been an effort this year to build income into that formula, recognizing the fact that property valuation is not a good indication of ability to pay. There is yet no resolution of the school funding problem, and depending on what that formula ultimately is, will determine how much ability to pay is tied to that formula. In the meantime, and perhaps even after this first best effort in terms of passing a new school funding formula, probably the best means of property tax relief, which is our most burdensome tax, it through a circuit breaker program. The reason I believe that is because it is directly targetted to the individual tax payer. Even a school funding formula that provides relief based on factoring in income, provides blanket relief for an entire community. This is the only program that targets property tax payer relief to the exact individual taxpayer who needs it, and no other. Therefore, I urge you to defeat this motion and support the alternative report. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. May I pose a question through the Chair to anyone who may care to answer? Did I understand correctly that the fiscal note on Committee Amendment "B" was \$6.4 million?

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Yes, amendment "B" has a fiscal note of \$6.4 million, as opposed to about \$20 million in amendment "A".

THE PRESIDENT: The Chair would advise the body that the Chair has been very lenient on people straying from the motion, but we are to focus our comments upon the pending motion, which is acceptance of Committee Amendment "B", not Committee Amendment "A". The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President, Men and Women of the Maine Senate. I think I'm on Committee Amendment "B", which is the minority report. I would like to pose a question through the Chair to any Senator who cares to answer. Under Amendment "B", if I have \$400,000 cash in the bank, receiving somewhere around 8%. I don't work. Would I be eligible?

THE PRESIDENT: The Senator from York, Senator Carpenter, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator FERGUSON: If he had \$400,000 in the bank and was making 8% interest, in my calculations that would be \$32,000 and he would be ineligible for this program. But, there is one thing that I want to clarify that I don't know. Does it have to be earned income or can interest income qualify?

THE PRESIDENT: The Senator from Oxford, Senator Ferguson, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Lawrence.

Senator LAWRENCE: Thank you Mr. President, Men and Women of the Senate. It is any income to a household, to answer the question. It seems to me we are getting a little bit off the point. Perhaps to get back on the point, when this legislation was first created was when I first ran for the legislature and I can still remember stopping at a woman's house on an island called Badger's Island, which lays between the mainland of Kittery and Portsmouth. It is a working class island, there is a fishing community out there. She had lived there all her life. She is in her seventies, and her husband had been a lobsterman who died on the lobster boat of a heart attack back in the fifties. She was left with the property and a social security income. She was losing that property before we created this property tax cut program. That saved her from losing this property. Since the change, since we dismantled that program, she has gone on to lose her property. It's time we started doing something for the middle class people of Maine. It's time we did a tax cut that meant something to people. The income tax cut wouldn't have helped her. The sales tax cut wouldn't have helped her. Tax and match wouldn't have helped her. This tax cut helps middle class Mainer's, puts money in their pocket, and stimulates the economy. Thank you.

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

Senator HANLEY: Thank you Mr. President, Men and Women of the Senate. I guess I would differ with the good Senator from York, that in fact the woman that he mentioned, if she is paying privately, through her own health insurance, unless she is on Medicaid or Medicare, that the repeal of the tax and match would, in fact help her. If we really want to talk about tax relief and the amendment before you, the \$6.4 million, that's just a drop in the bucket, admittedly. Where the real answer is, and the answer I heard when I was out campaigning, when I knocked on the doors of my select people, was that the property tax would not be so high, Mr. Hanley, if you didn't send down so many of these mandates on us. If you didn't require us to do A, B, C, D, E, F, through Z. If you want to talk about tax relief, if you want to talk about property tax relief for the people of the State of Maine, I don't know about the members of this chamber, but this is chicken feed that we are talking about, as far as what we are passing back. I will be supportive of the \$6.4 million, but the

reason why the property tax is becoming so onerous is because we, as a legislature, have allowed, not allowed, we have forced these requirements on the municipalities. Maybe it's just a strange undercurrent over in Senate District 25, over in western Maine, I don't think so. I think it's relevant throughout the entire state, but it's the actions of this legislature which drive up the property taxes. The mandates that we have passed down previously, after having the foresight to pass a Constitutional Amendment to require no unfunded state mandates, that's where the real relief is.

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

Senator CLEVELAND: Mr. President, I would ask whether the comments of this Senator, are still germane to the motion on the floor.

THE PRESIDENT: The Chair would answer in the affirmative. The Senator from Oxford may continue.

Senator HANLEY: Thank you Mr. President. We are talking about property tax relief, and as I said, we can stand up here on the floor and throw out rhetoric as far as how much the people of the State of Maine can do, how much they should do. Why don't we look at ourselves and the actions we have taken in the years past.

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

Senator RAND: Thank you Mr. President, Men and Women of the Senate. The good Senator from Oxford may be 100% correct. I think that there's a great area for disagreement with the Senator, but now is not the time to get into that. Be that as it may, indeed the Senator is 100% correct, the problem is out there now with the people in this State. They need property tax relief. I would urge you to vote for the best property tax relief that we can get, and to do that we must vote no on the pending motion. Thank you.

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

Senator O'DEA: Thank you very much Mr. President, Men and Women of the Senate. This past fall I knocked on a few doors and spoke with some constituents. I had a gentleman give me this slip of paper in anticipation of maybe some candidate for state office coming to his house. This gentleman lives alone on Main Street in Orono. He's getting on in years. He gave me a slip of paper that had two checkstubs on it. Both checks were from the State of Maine. One was issued in 1992, it was a property tax refund in the amount of \$1,900. A check dated one year and two weeks later, for property tax assistance, was for \$500. Because we haven't kept our commitment to low-income property owners. People like this, real people on real streets all across the state, are finding themselves adversely impacted. I would suggest that there is a plan here today that would do something to help these people in a very tangible way, and there is one that will provide window dressing and fodder for more campaigns. I would suggest that there is something we can do to help

these people, and we each know what that is.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. I understand the comments by the good Senator from Oxford, Senator Hanley, that mandates do increase property tax burdens. There are few people who would debate that. But, I point to the State of New Hampshire, which is pointed to as the ideal in State government, that does not mandate on communities, yet living next to New Hampshire I know they have some of the most astronomical property taxes in our nation. Mandates alone are not the solution to these people's problems, to our constituents problems, to middle class Mainers problems. I, too, talked to a lot of constituents, in fact I just got a call from one today. She is an Independent, in neither party, interested in education, and she wanted to know who she should write a letter to regarding all of the proposed tax cuts. She said why are we thinking about these tax cuts, this is ridiculous, and this was totally unsolicited by me. She said this is ridiculous, we should be removing the gimmicks from the budget, we should be getting the State's fiscal house in order. I explained to her what the different positions of the two caucuses are, and I did say that honestly my caucus, too, supports a tax cut, they support a property tax cut. She said, that only makes sense, that's what everyone is talking about. It's true, this is the most talked about tax cut, it's the one people want the most. It's time to defeat this report and do something to seriously cut property taxes. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HATHAWAY** of York that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-334)** Report in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BERUBE, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

ABSENT: Senator: ESTY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HATHAWAY** of York that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-334)** Report in **NON-CONCURRENCE, PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "B" (H-334) **READ and ADOPTED**.

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

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

HOUSE REPORTS from the Committee on **TAXATION** on Resolve, to Create a Task Force on Economic Development Tax Incentives (**EMERGENCY**)
H.P. 858 L.D. 1189

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-339). (12 members)

Minority - Ought Not to Pass. (1 member)

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

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, June 6, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-339)**.)

(In Senate, June 7, 1995, Reports **READ**.)

On motion by Senator **FERGUSON** of Oxford, the Senate **ACCEPTED** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-339) **READ and ADOPTED**, in concurrence.

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

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

SENATE REPORTS from the Committee on
TRANSPORTATION on Bill "An Act to Create an
 Intermediate License for Minors"
 S.P. 166 L.D. 427

Majority - Ought to Pass as Amended by Committee
 Amendment "A" (S-220). (11 members)

Minority - Ought Not to Pass. (2 members)

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

Pending - ACCEPTANCE OF EITHER REPORT.

(In Senate, June 7, 1995, Reports READ.)

Senator BEGLEY of Lincoln moved that the Senate
 ACCEPT the Minority OUGHT NOT TO PASS Report.

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

Senator FAIRCLOTH: Thank you Mr. President. I
 rise in opposition to the pending motion and in
 support of the Majority Report out of the
 Transportation Committee, which reported this measure
 out eleven to two. What you have before you is An
 Act to Create an Intermediate License for Minors,
 that is child drivers, novice drivers in the State of
 Maine. This legislation is very effective incentive
 to spur safe driving among novice drivers. It
 applies only to applicants to drive who are ages
 sixteen and seventeen. It is current law in about
 ten states of the union, and has been very effective
 in decreasing crashes there. That's what this
 legislation is about. If you were to extrapolate
 from current studies, it would decrease crashes in
 this state, among sixteen and seventeen year old
 drivers, to the extent to 300 to 450 crashes per
 year. The concept is that for that first year the
 intermediate licensee would be restricted from
 driving from midnight to 5 a.m., with the exception
 of situations where they have employment or a school
 activity, signed off by a teacher, or they are
 accompanied by a driver who has not had some form of
 moving violation or violation which qualifies for
 habitual offender status. There is no cost to this,
 in fact there might be a slight positive
 fiscal note. There was a broad spectrum of
 supporters for this legislation. In fact, in its
 current amended version, after the testimony to the
 Transportation Committee, there was no one who
 opposed the legislation. If you look at the
 information packet provided by the Mothers Against
 Drunk Drivers, it does note some of the supporters of
 this, including Dr. John Gattis of Washington County,
 who has had the opportunity to scrape a lot of
 children off the road over the years. We have a very
 serious situation to address, because if you look at
 the next page, chart A, as far as the crash rate for
 children in that age category, it is dramatic. We
 heard discussion last summer about senior citizens
 and their driving records, but the fact is that
 senior citizens are, by many powers, far safer

drivers than sixteen-year-old drivers during their
 first year. This is no criticism of
 sixteen-year-olds, it's simply a fact of their
 inexperience, particularly during late night hours.
 The fact is, if you look at the statistics,
 consistently throughout the years, one out of every
 five sixteen-year-olds that spends their first year
 behind the wheel, will get into a crash. One out of
 every five will get into a crash. No other age
 category is even close. This legislation, and every
 study in every state and every foreign nation that
 has it, has decreased that crash rate with this very
 minimal incentive. It has decreased the crash rate,
 not only for the affected hours, but also for all
 hours of the day, because it acts as an incentive.
 It says to the teen driver, if you maintain a clean
 record then you graduate to an adult license. This
 has a dramatic effect on the conduct of these young
 people and increases their safe driving habits. Bear
 in mind, I would note that in the vast majority of
 industrialized nations, children age sixteen are not
 permitted to drive, period, at all. We are unusual
 in allowing sixteen-year-olds to drive. If you look
 at chart H in the MADD packet, it will show you the
 different countries, and most of them do not allow
 for driving in that age category at all. So, it has
 been tremendously effective in dealing with these
 issues and there is really a minimal burden
 involved. If you even talk to young people in states
 that have this law, they support this legislation.
 Let me just repeat that. Young people, teenagers, in
 states that have this law, in polling from the
 Insurance Institute for Highway Safety, supports this
 legislation, two out of every three. The majority in
 states that do not have it support the legislation.
 In fact, I went and spoke to a highschool class in
 Bangor about this, and after explaining it to them,
 they first said we have concerns about this, but once
 we explained how it worked and the hours it was
 applied to, the class supported it. A large majority
 thought it was a reasonable idea, and in fact said
 they didn't have any reason or were generally not
 permitted to drive during those hours anyway, so it
 generally would not affect them. The States which do
 have this law, have had minimal problem administering
 it. In Pennsylvania it has been the law for thirty
 years. We called troopers down there, and we called
 the Department of Transportation in that state, and
 they said it is a minimal burden but it has a very
 positive effect on safe driving and we support it.
 So, again, the studies that you see will decrease the
 crash rate, and I will give you some specific
 numbers. During the affected hours, midnight to 5
 a.m., a 69% decrease was estimated in Pennsylvania.
 A 62% decrease in New York, 40% in Maryland. In
 Maryland and New Zealand, where they have done this
 fairly recently, they said an overall decrease of
 15%. So if you calculate any of those decreases to
 the State of Maine, that comes out to 450 less
 crashes a year, 450 less crashes a year, 4,500 less
 crashes over a ten-year period. That is a tremendous
 value with a minimal burden to anyone, if it's any
 burden at all really. The need is so great, given
 the crash rate among that age category, that's why I
 think it received the positive eleven to two report,
 and why we should reject the pending motion and
 support safe driving with a very positive and mild
 incentive for young people in this state. Thank you.

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

Senator **BEGLEY**: Thank you Mr. President. Once more government intrusion into the lives of the individual. You have a law that requires a sixteen-year-old to do certain things to get a license. If he or she is successful, they are given that permit. Now, in our infinite wisdom, we, in this body, are going to say that we know better than the parents or the student, or anybody else, what individuals should do. The amount of accidents, you could go on statistically and prove any number of different things. I had a person say here, who put a little humor into it, the reason the adult driver doesn't get into the accident rate between twelve and five is because he can't stay up that late. The person who drives, regardless of age, drives primarily with attitude and knowledge. My children, your children, if you desire you should be able to control the minor as to the use of the car or anything else. Talking of are students interested in this, we had a young lady in our caucus today who was asked about this and she said no. As far as she was concerned the bill should not be passed. She is seventeen years old. She is of the opinion that it is almost unenforceable. She is also of the opinion that she works and drives after twelve, and she can have all kinds of things in her purse as to whether or not she is given this right or not. Again, it is simply saying that we, in our infinite wisdom, are going to control the lives of people. Please, leave it alone, and let the parents and the individual take care of it.

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

Senator **PENDEXTER**: Thank you Mr. President, Men and Women of the Senate. It rather amuses me that I must stand up and agree with the good Senator from Lincoln, Senator Begley, on a different highway safety issue this time. But I do believe that government is in your life today if you do pass this bill. The reasons why sixteen-year-olds get into trouble, or into crashes, the major reason is because of their inexperience in driving. I would say to you, on any given day, on any hour, on any given highway, that problem persists. If you want to get serious about addressing the inexperience, perhaps we should look at should they be driving at that age. The other issue is to support appropriate driver education programs, where they can learn safe skills that they can take with them throughout their driving ages. The other big problem is speed. I would say they don't just speed between midnight and 5 a.m. They speed on any given day, on any given time, on any given highway. We might talk about OUI, however OUI happens at seven in the morning, it happens at nine at night or eleven at night, and there are no real good statistics that say between midnight and five OUI offenses are more frequent. This is all about a curfew, that between midnight and 5 a.m. certain people of certain ages just can't be on our highways. It doesn't convince me that that makes anybody a safer driver. As a matter of fact, I have been involved in the area of highway safety for well over thirteen years and have looked at a lot of statistics, read a lot about it, and it's between the ages of sixteen and twenty-one, actually, you don't just pick sixteen year-olds. It's between that whole age of sixteen and twenty-one that our drivers are

the most irresponsible. At some point, around twenty-three, I guess they just grow up. I'm not sure what happens but it just seems like the plateau goes down and driving behavior levels off. So, it's not just the sixteen year-olds, it's the seventeen year-olds, the eighteen year-olds, it's the twenty-one year-olds. It's just sort of a point in time where our drivers are the most irresponsible. The Maine Highway Safety Commission looked at this issue, because this issue has been before us before a couple of years ago. We took the issue very seriously. We looked at what goes on in the State of Maine, and we came up with the same scenario, that midnight to five a.m. is not necessarily what we should be focusing on, but what we should be focusing on is driver inexperience and speed. Actually, if you look at the most frequent time that fatalities happen in this state, it's at 3 o'clock in the afternoon on the nice sunny days. So, although this stuff sounds good, and it makes a nice convincing argument, the fact of the matter is, what actually happens on our highways between midnight and five a.m. is not necessarily the most dangerous time on our highways. But, I think the most convincing argument to vote against this bill is that this bill automatically assumes that adolescents are all going to be irresponsible. I work a lot with adolescents in my professional life, and I would say to you alot of them are very responsible. I think we should give them a chance to prove themselves. We already do that in this state. We already have a one-year provisional license. When a sixteen year-old gets a license, that is a temporary, provisional license. If that adolescent misbehaves, or does something irresponsible, like speeding or whatever, the license is removed by the Secretary of State. If, subsequently, something else happens, they can lose their license for up to a years time. So, there already is a process in place.

What I like about what we have now is that it allows those responsible adolescents to be responsible and continue to have the advantages of driving responsibly, and we are not automatically saying all adolescents have to have this curfew imposed on them because we are just going to assume they are all going to be irresponsible. Parents have to play a role. There again, we are saying government is going to make decisions that actually parents should be making. I think a lot of kids are on the highway at that hour, not because they are up to no good, a lot of them have probably gone to a late movie and they are just driving home, it's 12:15 or 12:30, especially in the summertime, kids have jobs, they work til midnight, they waitress in restaurants. A lot of activities they go to last until midnight and I just think it is very cumbersome to have to go find a notary, I don't know about you but I don't know very many notaries, to have a note notarized and have that on your person to say why you are out at that hour. I just think it is government intrusion. It's not necessarily going to make our highways safer, because the seventeen and eighteen year-olds are going to be just as irresponsible as the sixteen year-olds because, as I have mentioned, the statistics show it's sort of a range of ages, not just the sixteen year-olds. Yes, the sixteen year-olds are inexperienced, but midnight to five is not necessarily, in my opinion, a time that we should focus on. I think we should focus on the whole time that they are on our highways.

The issue of enforcement I think is a concern. It's dark. How are police officers going to know how old these kids are? I can just see a lot of kids being stopped needlessly because now we have to check kids ages and see if they have this notarized letter with them. So, I guess I am going to ask you to vote with the motion of Ought Not to Pass. Vote against this bill because I feel that what we have in place certainly, I think, allows responsible behavior, and will address the issue of those kids who are not being responsible. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May I pose a question? Am I correct in my interpretation of this proposed bill, that it reaches our Maine youth, to the exclusion of youth from other states operating here in Maine on non-resident licenses, licenses from other states?

THE PRESIDENT: The Senator from Franklin, Senator Benoit, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Faircloth.

Senator **FAIRCLOTH:** Thank you Mr. President. In answer to the question. Like all other licensure laws, the same laws apply. If there are some other states where someone is licensed to drive when they are fifteen, in the State of Maine they may drive at the age of fifteen. That's out of respect to the licensure laws of other states, and that's generally how it works in any jurisdiction. There would be no difference here.

I want to address fifteen year-olds for a minute, because I keep hearing this argument about not respecting fifteen or sixteen year-olds, and parents decisions, this has absolutely nothing to do with that. We do not assume that fifteen year-olds are irresponsible because we don't let them drive in an unrestricted fashion, we are simply talking about someone driving a several thousand pound hunk of metal down the road and how to most responsively get them trained into that new skill. The studies show time, and time again, that night restrictions, as part of that transition, are extremely effective with the most minimal of burdens. I would note that the Highway Safety Commission, in the past, has supported this legislation. The time in which they did not, I spoke to Mr. Perkins, they did not look at the statistics involved in terms of accident rate overall. There is a misconception here, and I have heard it repeated a couple of times. This legislation is targeted to 3 o'clock in the afternoon, and at 10 in the morning, and at 2 a.m. This legislation decreases traffic crashes all 24 hours of the day. Study after study shows that. It's because it affects the conduct of young people and it doesn't take a brain surgeon to figure out why. They can go to class to be better drivers, and that's good, we should have classes for them, but studies show that these kids, quite understandably, are affected by this incentive. They say they want to graduate to the next level of licensure and will modify their conduct and moderate their conduct in

order to achieve that next level of licensure. This is to help them achieve a higher level of skill during a critical time in their life.

I would also correct another important point here. As to sixteen year-olds, and this is just a fact, I'm all for sixteen year-olds and seventeen year-olds, but the fact is the accident rate in the sixteen and seventeen age category is far and away higher than any other category, including eighteen, nineteen and twenty. Those are the Maine statistics. If you look at the national statistics, that's not an aberration. It backs it up. Sixteen year-olds is double the average rate of seventeen to nineteen year-olds, and more than eight times the average for all other age categories. It is a critical need here. It is a unique situation and all we are saying is from midnight to five a.m., unless you have employment for which there is an exception or some school activity, then you will have this night restriction. And it has worked extremely well. Everywhere they have it, you can call and ask them. I talked to the State Troopers in Pennsylvania, they said it works fine and they have not had a problem. As far as the effect of government intrusion in people's lives, you could make that exact same argument about fifteen year-olds. It's not an argument that follows. If you followed that argument you could say we couldn't restrict a fifteen year-old driving at all. Of course we can, and in fact, in the vast majority of countries they don't permit any driving for sixteen year-olds. So, what we are saying here is a much more moderate level.

I thought it was interesting that the good Senator from Cumberland, Senator Pendexter, said maybe we should look at not allowing sixteen year-olds to drive at all. She may suggest that, and that's a legitimate argument. That's not what I am suggesting. I am suggesting something much more low-key, something much more moderate that has a tremendous benefit in saving lives. Four hundred and fifty less crashes a year. If we conservatively estimate it at 300 less crashes a year for young people in this state, some of those 300 crashes that will be avoided will be fatal crashes. On your scale of one to ten, what is the value to our society of kids driving between midnight and five a.m. What is that value? I don't know. It's not near ten. What is the value of having 300 less crashes a year? That's a lot of value. This is not restricting driving for eighteen, nineteen, or twenty year-olds. It's for a very minimal period of time and it has a tremendous benefit. I hope you will support the eleven members of the Transportation Committee who listened to all of the evidence from the various groups, all of whom supported this legislation. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May I pose a second question through the Chair? For anyone who would possibly be of assistance. Given that laws of the state run to the borders, and not beyond, am I correct in my interpretation of this proposed bill that, if enacted, this measure would not carry and be effective if the young person from Maine was driving

at a distant point? New Hampshire, Massachusetts, what have you. That this provision would only apply in Maine and have no effect outside the state?

THE PRESIDENT: The Senator from Franklin, Senator Benoit, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Pendexter.

Senator **PENDEXTER:** Thank you Mr. President. I just want to make a few more points. The issue here is curfew. I don't think anybody would disagree with some of the information that has been shared here, but the issue here is curfew. Do we feel that it is important to impose a curfew from midnight to five on sixteen year-olds only? That is the issue and that is what I am particularly objecting to. Kids now, with the provisions we have, with the provisional license that they have, still have to behave themselves for a whole year. So, I feel that that already exists in the system that we have. The license they get when they are 16 is a provisional license and as long as they maintain good behavior for a year that then becomes a more permanent license. So, we already have that in our system, so passing a curfew scenario doesn't necessarily make that any better. We already have them in our laws. As long as I have been on the Maine Highway Safety Commission, which has been since 1987, to my knowledge, the Commission has never supported this legislation.

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

Senator **PARADIS:** Thank you Mr. President. I never thought that on a humid June night we would be re-hearing a bill that the Transportation Committee spent an inordinate amount of time studying. It was a brilliantly proposed bill. The homework was done beyond anything I have ever seen before. We took our responsibility very, very seriously to protect the lives of young people who are often tragically impacting their future by behaving precipitously. One of the things that we need to do in rural areas, the whole time I was growing up, with all the poverty, is to protect children from getting hurt, and one of the ways they did that was to restrict driving, period. And parents would. We don't have that society anymore, so we are allowing our children to drive and we know that in rural areas, especially in the counties of Washington and Aroostook, where the roads are very bad, we do have a large number of accidents, especially with children, because of all the factors that have been listed here. So, I am very disappointed that this bill is taking the turn that it is this evening because it was a well-conceived, well-thought out, well drawn out, and I felt so proud that our Committee had done such extensive work in doing our homework to be sure that we were doing the right thing for the children of Maine. We invest a lot of money in our children and this is a small, small thing to further help preserve their health for the long haul.

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

Senator **BENOIT:** Thank you Mr. President. I will

not be voting in support of this kind of legislation for plural reasons. The first of which, I understand my interpretation of this bill that it would not apply to those young people who are operating in the State of Maine on a license from another state. Therefore, the result of this measure is to discriminate, if you will, or deny equal protection to the young people of our state. Giving a priority, if you want to call it that, to those young people who come here, and they come here by the thousands to be sure, who are operating on a license from another state. To me that is not fair. I will vote for this kind of legislation when we start, in this state, going after adults driving drunk. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President. Once again, as you know, in order to get a license at sixteen, you have to have a driver education course, pass the test, and hopefully prove that you are capable. Again, the vast majority of young people handle their responsibility extremely well. I would remind you that the best government is the one that governs least.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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.

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator **BEGLEY** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-220) **READ** and **ADOPTED**.

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

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 first Tabled and Specially Assigned (June 1, 1995) matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund.

H.P. 630 L.D. 855
(C "A" H-177)

Tabled - May 31, 1995 by Senator AMERO of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**, in **NON-CONCURRENCE**.

(In House, May 3, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 9, 1995, **READ A SECOND TIME**.)

On motion by Senator AMERO of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)** in **NON-CONCURRENCE**.

The Chair laid before the Senate the second Tabled and Specially Assigned (June 1, 1995) matter:

HOUSE REPORTS from the Committee on **TAXATION** on Bill "An Act to Increase the Property Tax Exemption for Farm Machinery"

H.P. 17 L.D. 11

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-242)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 31, 1995, by Senator AMERO of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, May 18, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.)

(In Senate, May 23, 1995, Reports **READ**.)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

The Chair laid before the Senate the third Tabled and Specially Assigned (June 5, 1995) matter:

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995 (EMERGENCY)

H.P. 1098 L.D. 1542

Tabled - June 1, 1995, by Senator KIEFFER of Aroostook.

Pending - **FURTHER CONSIDERATION**.

(In House, May 23, 1995, **PASSED TO BE ENGROSSED**.)

(In Senate, May 25, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-174)**, in **NON-CONCURRENCE**.)

(In House, May 30, 1995, **ADHERED**.)

(In Senate, May 31, 1995, **ADHERED**. Subsequently, on June 1, 1995, the Senate **RECONSIDERED** whereby it **ADHERED**.)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

The Chair laid before the Senate the fourth Tabled and Later Today Assigned (June 5, 1995) matter:

SENATE REPORTS from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems"

S.P. 38 L.D. 68

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-211)**. (8 members)

Minority - **Ought Not to Pass**. (4 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In Senate, June 5, 1995, Reports **READ**.)

On motion by Senator **ABROMSON** of Cumberland, the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report.

The Bill **READ ONCE**.

Committee Amendment "A" (S-211) **READ** and **ADOPTED**.

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

The Chair laid before the Senate the fifth Tabled and Specially Assigned (June 6, 1995) matter:

An Act to Allow for Decreased Municipal Liability Regarding Ice-skating Rinks"
H.P. 750 L.D. 1024
(C "A" H-301)

Tabled - June 5, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENACTED**.

(In Senate, May 31, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301)**, in concurrence.)

(In House, June 5, 1995, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

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

THE PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Amero, that the motion would be to Indefinitely Postpone, in concurrence.

On motion by Senator **AMERO** of Cumberland, the Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

The Chair laid before the Senate the sixth Tabled and Specially Assigned (June 6, 1995) matter:

An Act to Clarify the Discretion of the Commission on Governmental Ethics and Election Practices in Assessing Penalties" (EMERGENCY)
H.P. 685 L.D. 936
(C "A" H-308)

Tabled - June 5, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENACTED**.

(In House, June 5, 1995, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senator having voted in the negative, and 32 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.

The Chair laid before the Senate the seventh Tabled and Later Today Assigned (June 6, 1995) matter:

Bill "An Act to Address a Shortfall in the Maine Ground Water Oil Clean-up Fund and Change the Financial Assistance Program for Owners of Underground Oil Storage Facilities" (EMERGENCY)
H.P. 1119 L.D. 1563

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

Pending - **REFERENCE**.

(Reference to the Committee on **NATURAL RESOURCES** suggested and **ORDERED PRINTED**.)

(In House, June 6, 1995, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.)

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

Senator **LORD:** Thank you Mr. President, my Learned Colleagues. In view of the fact that Title 36 is the tax law, and in view of the fact that Title 38 is the environmental protection law, and in view of the fact that the counties in jurisdiction in the past have assessed fees, for instance the Department of Transportation or the Committee on Transportation sets fees with regards to highways, the Fish and Game Committee assesses fees for the Fish and Game and Wildlife agencies, and in view of the fact that this comes under Title 38, it seems to me that the Natural Resources Committee should be the Committee of jurisdiction. I move that L.D. 1563 be assigned to the Natural Resources Committee.

On motion by Senator **LORD** of York, referred to the Committee on **NATURAL RESOURCES**, in concurrence.

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

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

Pursuant to Senate Rule 1, the Chair appointed the Senator from Cumberland, Senator **AMERO**, as President Pro Tem for tomorrow's session.

On motion by Senator **AMERO** of Cumberland, **ADJOURNED** until Thursday, June 8, 1995, at 9:30 o'clock in the morning.