

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

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

In Senate Chamber
Thursday
March 7, 1996

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

Prayer by the Honorable Alton E. Cianchette of Somerset.

SENATOR ALTON E. CIANCHETTE: Good morning. With paying due respect to the prayer, I will try to pick us up a little time here.

God, grant us serenity, that we may accept those things that we cannot change, and courage to change those things that should be changed, and the wisdom to know one from the other. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

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

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 11, 1996, at 9:00 o'clock in the morning.

S.P. 729

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Resolve, to Create an Advisory Committee to Assist in the Funding of State Employee Workers' Compensation Claims

S.P. 379 L.D. 1056
(C "A" S-420)

In Senate, February 6, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420) AS AMENDED BY HOUSE AMENDMENT "A" (H-743)**, thereto, in **NON-CONCURRENCE**.

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

Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that the Revisor of Statutes is directed to prepare, "Joint Resolution Memorializing Congress and the Department of Energy to Make Full Use of the Rate Funds That Have Already Been Collected to Store and Monitor High-level Nuclear Waste" and that the same be delivered to the Clerk of the House for introduction.

H.P. 1332

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

Which was **READ**.

Senator **AMERO** of Cumberland moved the **INDEFINITE POSTPONEMENT** of the Joint Order.

THE PRESIDENT: 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 in defeating the pending motion. I think, perhaps, you will be as surprised and dismayed to learn, as I did, that for several years now the federal government has been levying a tax on Maine Yankee power plant. The tax, on the surface, doesn't appear to be much. It is one-tenth of one percent per kilowatt. What is important is that this money is being collected for the sole purpose of siting, designing, and ultimately, assuming responsibility for the storage of high-level nuclear waste. Over the years the federal government has collected over \$11 billion for this purpose. Regretfully, only about half of that money has been used for its intended purpose, most notably for the potential siting of a facility in a place called Yucca Mountain in Colorado. What the other \$6 billion of your constituents' money, and other taxpayers around the country, that has been set aside for this purpose, has been swept clean by the Congress to continue the federal deficit spending. What this has amounted to is a tax to solve a major public policy safety issue that has not been used for its intended purpose, yet to perpetuate the continual unbalancing of our federal checkbook. In addition, because of this action at the federal level, Maine Yankee, in this particular case, has been forced to expend additional funds to create storage racks and other ways of storing their high-level nuclear waste. So, not only are they paying a tax, the ratepayers are also having to fund the additional cost, because the facility they are paying a tax to, to store their high-level waste, is not moving forward as planned. So, I appreciate the manner in which this Joint Resolution has been brought before us; and I respect the fact that, maybe, it has usurped the traditional process; but I do believe, on behalf of everyone who is a citizen in Maine, that this issue in one that we need to send the strongest possible message to our Congressional Delegation, that this issue needs to be resolved and that they can start by using the money for its intended purpose. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland that the Senate **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

23 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

117TH MAINE LEGISLATURE

March 6, 1996

Senator S. Peter Mills
Representative Sharon Treat
Chairpersons
Joint Standing Committee on Judiciary
117th Legislature
Augusta, Maine 04333

Dear Senator Mills and Representative Treat:
Please be advised that Governor Angus S. King, Jr. has nominated Vendean Vafiades of Augusta for appointment as a member of the Maine Indian Tribal-State Commission.

Pursuant to Title 30 MRSA, Section 6212, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 728

Which was READ and referred to the Committee on JUDICIARY.
Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Clarify the Definition of Commercial Whitewater Outfitter" (Emergency)
S.P. 727 L.D. 1833

Presented by Senator HANLEY of Oxford
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on INLAND FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.
Which was referred to the Committee on INLAND FISHERIES AND WILDLIFE and ORDERED PRINTED.
Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Provide for the 1996 and 1997 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

H.P. 1317 L.D. 1801

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 UTILITIES AND ENERGY on Bill "An Act to Repeal the Sunset and Reporting Requirements Regarding Transportation of Unscheduled Freight in Casco Bay"

H.P. 1302 L.D. 1783

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 CRIMINAL JUSTICE on Bill "An Act to Prohibit Home Repair Fraud and Establish Aggravated Penalties When the Victim Is an Older Person"

H.P. 918 L.D. 1294

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-731).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-731) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Clarify the Landowner Liability Laws"

H.P. 1245 L.D. 1707

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-730).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-730).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-730) READ and ADOPTED, in concurrence.

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

The Committee on NATURAL RESOURCES on Bill "An Act to Amend the Laws Regarding the Revolving Loan Fund for Wastewater Facilities"

H.P. 1221 L.D. 1671

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-733).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-733) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Amend the Unorganized Territory Tax Laws"

H.P. 1237 L.D. 1697

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-736).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-736) READ and ADOPTED, in concurrence.
The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

**Senate
Ought to Pass As Amended**

Senator MILLS for the Committee on JUDICIARY on Bill "An Act to Authorize the Formation of Limited Liability Partnerships"

S.P. 499 L.D. 1358

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-450).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-450) READ.

THE PRESIDENT: 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 that we will go along and adopt Committee Amendment "A". Before we do so, I would like to take just a moment to thank my colleagues on the Judiciary Committee, particularly the Senate Chair, Senator Mills. This was a very complicated and lengthy bill that was held over from the last session; and throughout the summer their efforts have produced a piece of legislation that, I think, is going to be very helpful to the small family businesses that may start up, or the entrepreneurial ventures that we hope will re-energize our economy. Through the work of the Judiciary Committee, I think we have gone a long ways towards accomplishing that; and I want to pass along my appreciation to them. Thank you.

Which was ADOPTED.

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

Senator BEGLEY for the Committee on LABOR on Bill "An Act to Exempt All Individuals Engaged in Fishing from Unemployment Insurance Requirements" (Emergency)

S.P. 696 L.D. 1770

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-453).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-453) READ and ADOPTED.

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

Senator CASSIDY for the Committee on TRANSPORTATION on Bill "An Act to Make Changes to the Motor Vehicle Laws"

S.P. 643 L.D. 1687

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-454).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-454) READ and ADOPTED.

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

Senator LONGLEY for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Agency Rule-making Process"

S.P. 678 L.D. 1735

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-455).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-455) READ and ADOPTED.

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

Divided Report

The Majority of the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Amend the Membership of Certain Boards and Commissions"

S.P. 640 L.D. 1675

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-451).

Signed:

Senators:

GOLDTHWAIT of Hancock

CIANCHETTE of Somerset

Representatives:

ROWE of Portland

SIROIS of Caribou

LIBBY of Kennebunk

REED of Dexter

DAVIDSON of Brunswick

RICHARD of Madison

CAMERON of Rumford

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-452).

Signed:

Senator:

HARRIMAN of Cumberland

Representative:

BIRNEY of Paris

Which Reports were READ.

Senator HARRIMAN of Cumberland moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452) Report.

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

Senator CIANCHETTE: Thank you, Mr. President. I think that we are owed an explanation of the divided report. It's my understanding, and I hope to be corrected if I am wrong, but the major difference between these is that the minority report requires the member that we are talking about, the appointee, to be confirmed by the legislative process in the Senate. A number of us on the Committee felt that that was redundant. The person who is making these appointments has already been confirmed and, further, we have already passed a bill to cut down on the number of what may be considered unnecessary confirmations by the Senate. We really didn't feel that this position, since it serves under the pleasure of the Commissioner, needs to go through the confirmation process. I think that is the major difference in the bill. I would urge you to vote against the minority report and favor the majority report. Thank you.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would add to that only the fact that the bill, in both cases, restricts the potential designee to someone from the Commissioner's own department, and that would be someone from the upper levels of that department. Because of that restriction, and the fact that it

would be a permanent designee, and not a per meeting designee, I would urge you, also, to vote against the motion on the floor so that we can move the majority report. Thank you.

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

Senator **HARRIMAN:** Thank you, Mr. President. Good morning, Ladies and Gentlemen of the Senate. This bill was presented to the Business and Economic Development Committee as a result of the confirmation hearing process of one of Governor King's appointees. Actually, it was for the Commissioner of Economic and Community Development. During his testimony, he shared with us that it was his statutory responsibility to sit on seventeen or nineteen different boards and commissions, and that he physically could not live up to all those responsibilities, and, more importantly, he wanted to focus his efforts and his time on economic development. Quite frankly, the Business and Economic Development Committee, shared at that time, the nominated Commissioner's viewpoint. In this session of the legislature we received a bill to accomplish that objective. The difference between the reports, which is why I ask for your support on the minority report before you, is that the legislation would say that if the Commissioner is appointed to a board or a commission, then she, or he, would have the right to nominate a designee to sit on that board or commission for her, or him. In the instance where someone has gone through the confirmation process, where the committee of jurisdiction has reviewed the credentials and made a recommendation to the Senate, and you and I ultimately vote on that person to sit on a board or a commission, or a trustee, or what have you, then that person ought to sit in that chair and not have the ability to designate someone else who has not gone through the confirmation hearing process. So, I ask you to support this report if you believe that the confirmation hearing process is important enough to verify someone's experience and credentials and background, that, indeed, they have been bestowed an honor to sit on a particular board or commission and that they ought to assume the responsibility to personally sit on it, not assign a designated pinch hitter. Thank you.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't disagree with the good Senator regarding the issue of scrutinizing people who will be serving our state in any way. However, it concerns me that it suggests an inability on the part of our commissioners to make appropriate selections from his, or her, departments. It also worries me that a standing employee of the State, subject to confirmation, who is not confirmed, is going to be left in a rather untenable position in regards to his, or her, employment. So, I would again urge you to defeat the motion on the floor. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HARRIMAN** of Cumberland that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)** 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.

7 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **HARRIMAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-451) **READ** and **ADOPTED**. The Bill, as Amended, **TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

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

House As Amended

Bill "An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants"

H.P. 617 L.D. 827
(C "A" H-724)

Bill "An Act to Amend the Law Regarding the Lease of Submerged Lands"

H.P. 993 L.D. 1404
(C "A" H-728)

Bill "An Act to Allow Physicians' Offices to Receive Discounts from Pharmaceutical Manufacturers"

H.P. 1169 L.D. 1601
(C "A" H-725)

Bill "An Act to Correct a Technical Error Relating to the Research Expense Tax Credit" (Emergency)

H.P. 1212 L.D. 1662
(C "A" H-727)

Bill "An Act to Increase the Municipal Share of Dog Licensing Fees"

H.P. 1250 L.D. 1712
(C "A" H-729)

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

Bill "An Act to Amend the Definition of Outdoor Stadium in the Liquor Licensing Laws" (Emergency)

H.P. 1267 L.D. 1742
(S "A" S-447 to C "A" H-726)

Which was **READ A SECOND TIME**.

Senator **BUSTIN** of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED, AS AMENDED**, in **NON-CONCURRENCE**.

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

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

25 Senators having voted in the affirmative and 2 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

ENACTOR

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

An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone

H.P. 609 L.D. 819
(S "A" S-436 to C
"B" H-685)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 28 Members of the Senate, with No Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**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 (Thursday, February 29, 1996) matter:

SENATE REPORTS from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to the Sale of Alcoholic Beverages"

S.P. 624 L.D. 1632

Majority - Ought to Pass (8 members)

Minority - Ought not to Pass (5 members)

Tabled - February 27, 1996, by Senator **KIEFFER** of Aroostook.

Pending - the motion of Senator **FERGUSON** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS** Report.

(In Senate, February 22, 1996, Reports **READ**.)

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **FERGUSON** of Oxford that the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

A Division has been requested.

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

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

28 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **FERGUSON** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

The Bill **READ ONCE**.

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

The Chair laid before the Senate the second Tabled and Specially Assigned (Tuesday, March 5, 1996) matter:

SENATE REPORTS from the Committee on **TRANSPORTATION** on Bill "An Act to Repeal the Sensible Transportation Policy Act"

S.P. 29 L.D. 59

Majority - Ought Not to Pass (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-439) (4 members)

Tabled - February 29, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In Senate, February 29, 1996, Reports **READ**.)
On motion by Senator **KIEFFER** of Aroostook **TABLED UNASSIGNED**.

The Chair laid before the Senate the third Tabled and Later Today Assigned (Tuesday, March 5, 1996) matter:

JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF THE INTERIOR TO SETTLE AN 11-YEAR DISPUTE BETWEEN THE NATIONAL PARK SERVICE AND THE SKI AREA LOCATED ON SADDLEBACK MOUNTAIN

S.P. 718

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

Pending - **ADOPTION**.

(In Senate, March 5, 1996, Joint Resolution **READ**.)

On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-449) **READ**.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. It's not often that I spend much time on Joint Resolutions. This one concerned me a little because it suggests that we support, or urge, the adoption of an offer that is being made from one of the ski resorts in Maine to the Department of the Interior. My problem is simply that we don't know what that offer is. I don't know what that offer is. I'm willing to urge a speedy resolution to this situation, but my concern is how can I say we support the adoption of Saddleback Mountain's offer when I have no idea what it is, or what it resolves? Thank you.

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

Senator **BEHOIT:** Thank you, Mr. President. May it please the Senate. I will be voting in opposition to this motion to amend this Joint Resolution, and I would like to share with you the reasons why, and be very brief about it. First of all, I want to point out to you that this Joint Resolution is not meant to be a contract with that kind of specificity that we require in a contract. It's very straightforward, this particular language. It reads this way, "We further urge the Department of the Interior to accept the offer of the ski area located on Saddleback Mountain of the gift of land" I think that's as specific as we need to make it, a gift of land, "to serve as a corridor to forever protect the Appalachian Trail." It's very simple as to what this amendment is about. It's about an offer by the Saddleback ski area to the National Park Service, and in fact, to the people of this country, of 330 acres of pristine mountain top, private property if you will, to the people of this country, as a corridor to protect the Appalachian Trails. It crosses, briefly, across the top of the mountain, less than three miles. The federal law, in this area, requests that there be 125 acres set aside in a running mile of trail, to protect the corridor. The 330 acres is in excess of that requirement in the federal law.

Respectfully, and I mean this when I say respectfully, I have a suspicion that the National Park Service is behind this amendment. I guess I have a right to be. It's a free country. But it's just another example, if they are, of the eleven years of roadblocks that they have been putting up to Saddleback Mountain, preventing expansion of the ski area there. The Governor has a Plus One program. I

have a Plus One Hundred and Sixteen program going up there, because that is the number of jobs waiting for this dispute of eleven years to get settled. I think the National Park Service is really in this Senate Chamber today, behind this amendment. I would point out to you that all we are doing here is urging the National Park Service to accept an offer.

You know, driving down to work today, from Sandy River, near Rangeley, 76 miles, I got to thinking about the urges in my life. I got to contemplating that there is nothing negative about an urge. The urges in my life have been positive. Think about it. It's a positive thing we are asking people to do here at the National Park Service, urging them to accept an offer that is valid, that is free, that is not going to cost us a dime, nor a penny. Three hundred and thirty acres of pristine private property. Urge them to accept the offer, that's what this is all about. Mr. President, when we vote on this, I ask for the Yeas and the Nays. Talking about nays, in looking at this amendment, it is almost like a muzzle. I don't muzzle well. I'm going to find out if you do, in this Chamber. Are you going to knuckle under to the National Park Service and this amendment, or are you going to make a statement of truth that Saddleback has made an offer for the people of this country of private property to settle this eleven year long dispute. Thank you.

On motion by Senator **BENOIT** of Franklin, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **LONGLEY:** Thank you, Mr. President. I would like to pose a question. The question would be, the National Park Service wants three hundred and some acres, and the offer to resolve it would be how many acres? Can you give a brief sketch? Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. This is a good question. What the National Park Service wants is 3,000 acres. There are 12,000 acres, complete, at the mountain. They want one quarter of the hill. They are not entitled to that. Under law they are entitled to no more than 125 acres for a running mile. The 330 acres is well within that requirement. That's not enough for them. They want 3,000 acres. That's what this is all about, taking more of the mountain than they are entitled to under the law, restricting the mountain from expansion, holding up 116 jobs. All we are doing in the face of that is urging them to accept the offer that Saddleback has made. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York that the Senate **ADOPT** Senate Amendment "A" (S-449).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **BUSTIN, ESTY, LAWRENCE, PINGREE, RAND, RUHLIN**

NAYS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, CIANCHETTE, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LONGLEY, LORD, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

ABSENT: Senators: **CLEVELAND, FAIRCLOTH, McCORMICK**
6 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **LAWRENCE** of York to **ADOPT** Senate Amendment "A" (S-449), **FAILED**.
The Joint Resolution **ADOPTED**.
Sent down for concurrence.

The Chair laid before the Senate the fourth Tabled and Specially Assigned (Wednesday, March 6, 1996) matter:

SENATE REPORTS from the Committee on **NATURAL RESOURCES** on Bill "An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge"
S.P. 705 L.D. 1804

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

Minority - **Ought to Pass** (4 members)

Tabled - March 5, 1996 by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 5, 1996, Reports **READ**.)

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

The Chair laid before the Senate the fifth Tabled and Specially Assigned (Wednesday, March 6, 1996) matter:

SENATE REPORTS from the Committee on **TRANSPORTATION** on Bill "An Act Relating to the Potential Improvement of the Maine Turnpike Authority"
S.P. 648 L.D. 1690

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-443)** (4 members)

Tabled - March 5, 1996 by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 5, 1996, Reports **READ**.)

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

The Chair laid before the Senate the sixth Tabled and Later Today Assigned (Wednesday, March 6, 1996) matter:

HOUSE REPORT from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws"
H.P. 1203 L.D. 1653

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-737)**

Tabled - earlier in the day by Senator **BUSTIN** of Kennebec.

Pending - **ACCEPTANCE OF THE REPORT** (division requested)

(In House, March 5, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-737)**.)

(In Senate, March 6, 1996, Report READ.)
On motion by Senator KIEFFER of Aroostook, Tabled
1 Legislative Day, pending ACCEPTANCE of the Report.

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

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator PINGREE for the Committee on MARINE
RESOURCES on Bill "An Act Concerning Special Licenses
in the Department of Marine Resources"

S.P. 667 L.D. 1727

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-457).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-457) READ and ADOPTED.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create the Small Enterprise
Growth Program"

H.P. 1337 L.D. 1831

Reference to the Committee on BUSINESS AND
ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee
on BUSINESS AND ECONOMIC DEVELOPMENT and ORDERED
PRINTED.

Which was referred to the Committee on BUSINESS
AND ECONOMIC DEVELOPMENT, in concurrence.

Bill "An Act to Make Supplemental Allocations
from the Highway Fund for the Fiscal Years Ending
June 30, 1996 and June 30, 1997" (Emergency)

H.P. 1336 L.D. 1830

Resolve, to Name a Portion of Highway in
Millinocket in Honor of Prisoners of War and Those
Designated as Missing in Action (Emergency)

H.P. 1335 L.D. 1829

Reference to the Committee on TRANSPORTATION
suggested and ORDERED PRINTED.

Come from the House, referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.

Which were referred to the Committee on
TRANSPORTATION, in concurrence.

Off Record Remarks

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

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

Off Record Remarks

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

Senate at Ease

Senate called to order by the President.

The ADJOURNMENT ORDER having been returned from
the House READ and PASSED, in concurrence, on motion
by Senator BEGLEY of Lincoln, ADJOURNED until Monday,
March 11, 1996, at 9:00 o'clock in the morning.