

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
Tuesday
March 12, 1996

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

Off Record Remarks

Prayer by the Reverend Rick Stoops, First United Pentecostal Church, Augusta.

REVEREND RICK STOOPS: Let's bow and pray. Lord Jesus, we come before Your presence today asking You for Your guidance, Your direction, Your leadership. We thank You for our great State. We thank You for these people who are gathered together here today to conduct our business. Lord, we do need You. Your word says, "If my people, which are called by my name, shall pray and seek my face and turn from their wicked ways, I will hear from heaven, I will forgive their sins and heal their land." We thank You for our great nation. We thank You for this great State. We ask, God, that Your holy abiding presence would be here today. That You would direct, guide, and lead every decision, and Lord Jesus, that Your will would be done in our lives, as it is in heaven. We pray all these things in the wonderful, precious, holy name of Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPER FROM THE HOUSE
House Paper

Resolve, Regarding Legislative Computer
Information Systems (Emergency)

H.P. 1226 L.D. 1679

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

March 11, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1810 An Act to Amend the Boundary between Berwick and South Berwick
We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
Senate Chair House Chair
S.C. 512

Which was READ and, with Accompanying Bill, ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TAXATION

March 11, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1070 An Act Regarding Application of the Sales and Use Tax to the Graphics Industry

L.D. 1769 An Act to Provide a Statute of Limitations for the Assessment of Tax for Which a Return Has Not Been Filed

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. W. John Hathaway S/Rep. Gary W. Reed
Senate Chair House Chair
S.C. 513

Which was READ and, with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY

March 11, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1816 An Act to Create Uniformity in the Granting of Electric and Gas Utility Easements

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. David L. Carpenter S/Rep. Carol A. Kontos
Senate Chair House Chair
S.C. 514

Which was READ and, with Accompanying Bill, ORDERED PLACED ON FILE.

The Following Communication:
**COMMISSION TO STUDY THE GROWTH IN MAINE'S
 TOWNS, CITIES, COUNTIES AND REGIONS**
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

March 7, 1996
 The Honorable Jeffrey H. Butland
 President, Maine Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 Dear President Butland and Speaker Gwadosky:
 Pursuant to Resolves 1995, chapter 47, I am pleased
 to submit the report and legislation proposed by the
 Commission to Study the Growth in Maine's Towns,
 Cities, Counties and Regions.
 Sincerely,
 S/Sen. David Carpenter, Chair
 Commission to Study the Growth
 in Maine's Towns, Cities,
 Counties and Regions

S.C. 515
 Which was **READ** and, with Accompanying Report,
ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Combine Certain Reporting
 Requirements for Employees"

S.P. 738 L.D. 1846
 Presented by Senator **RUHLIN** of Penobscot
 (GOVERNOR'S BILL)
 Cosponsored by Representative **REED** of Falmouth
 and Senators: **BEGLEY** of Lincoln, **CAREY** of
 Kennebec, **GOLDTHMAIT** of Hancock, Representatives:
HATCH of Skowhegan, **LEMAIRE** of Lewiston, **TUTTLE**,
JR. of Sanford
 Reference to the Committee on **LABOR** suggested and
ORDERED PRINTED.
 Which was referred to the Committee on **LABOR** and
ORDERED PRINTED.
 Sent down for concurrence.

COMMITTEE REPORTS

**House
 Ought to Pass**

The Committee on **JUDICIARY** on Bill "An Act to
 Place Penobscot Land in Trust"
 H.P. 1306 L.D. 1787
 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 **LATER TODAY ASSIGNED FOR SECOND READING.**

Divided Report

The Majority of the Committee on **NATURAL
 RESOURCES** on Bill "An Act to Allow Municipalities and
 Regions to Include Beneficial Use of Waste Originated
 in Their Jurisdiction As Credit in Demonstrating
 Recycling Progress"
 H.P. 1209 L.D. 1659
 Reported that the same **Ought to Pass as Amended**
 by Committee Amendment "A" (H-739).

Signed:

Senators:
LORD of York
RUHLIN of Penobscot
HATHAWAY of York

Representatives:
DEXTER of Kingfield
GOULD of Greenville
POULIN of Oakland
WATERHOUSE of Bridgton
DAMREN of Belgrade
MARSHALL of Eliot
MERES of Norridgewock

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

Signed:

Representatives:
BERRY of Livermore
SHIAH of Bowdoinham

Comes from the House with the Majority **OUGH
 TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
 AMENDMENT "A" (H-739).**

Which Reports were **READ.**
 The Majority **OUGH
 TO PASS AS AMENDED** Report
ACCEPTED, in concurrence.
 The Bill **READ ONCE.**
 Committee Amendment "A" (H-739) **READ** and **ADOPTED**,
 in concurrence.

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

Senator **CLEVELAND:** Thank you, Mr. President. I
 am unfamiliar with that amendment. I was wondering
 if someone might explain what the amendment does and
 how the amendment is more beneficial than the current
 law that is currently on the books. Thank you.

THE PRESIDENT: The Senator from Androscoggin,
 Senator Cleveland, has posed a question through the
 Chair to any Senator who may care to respond. The
 Chair recognizes the Senator from York, Senator Lord.

Senator **LORD:** Thank you, Mr. President, Men and
 Women of the Senate. All it does is give credit to
 some of the commodities, such as tires or other
 things that are recycled. It just gives them more
 credit because we feel when everything is taken out
 of the waste stream and used for another purpose, it
 should go towards the goal of recycling.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies
 and Gentlemen of the Senate. I would also like to
 point out that it requires that the material taken
 out of the waste stream go through a step of
 additional processing. In other words, a tire is
 then taken and reduced to minute pieces and burned as
 a substitute for petroleum fuels. When somebody does
 that, it replaces something else that is presently
 being used. We feel that they should get credit as a
 continuing, or changing, use pattern. I hope that
 that answers the good Senator's question. Thank you.

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

Senator **CLEVELAND:** Thank you, Mr. President. I
 rise because I have some concerns that include, not
 only items like tires, or other products that are not
 being particularly well used, or are looking for a
 place to be disposed, but, if I understand the
 amendment correctly, it actually changes the State
 law so that it allows cardboard, paper, and other
 recyclable products that could be reused in the

manufacturing of other products and put back into the product stream. It allows credit to be given for those even if there is a market for those products. So that it gives preference for using them as a fuel, rather than to reuse them, put them back through the product stream, so that they can be made, again, into other products, rather than trying to use virgin products to make those products. It seems to me that if that's the case, then they undermine both the recycling markets, the reuse markets, and they may well put more emphasis on using virgin products, as opposed to trying to reuse materials; and I have some concern that that, as a public policy, may not be in the best interest of the State. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. I would like to pose a question. Would this take care of the large department stores that pack up their cardboard, for instance, that doesn't go through our waste stream as it does in a municipality, but rather, it goes to a paper company? Would this, in fact, give us the credit for them using that rather than sending it to what were our landfills at one time, now are our recycling centers? Thank you.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I thank the good Senator from Kennebec for his very sage question. He actually touched on the very heart of the matter. What we are attempting to do, what the statute has been doing for a number of years, and will continue to do, is remove items from our waste stream, so they are not going to our landfills. Obviously, the highest and best use is to get it so it is reprocessed, and old paper becomes new paper. The fiber is used in the paper making process, the fiber from cardboard is used. Unfortunately, the fiber from rubber tires can be used in building new road beds in some cases. It's experimental, but we have also found it can be, when chipped and so forth, can be used as an alternative fuel to petroleum. It's to replace something else of a natural order. So, with those two things in mind, reducing our waste stream to our landfills, and in substituting for those things which would have to come out of our environment to be used for energy, or other processes, that is what the Committee looked at. That is what this amendment will carry out. There are also some plastics that can be reused, melted down to be remade back into other forms of plastic, or repowdered, if you will, into a form of acrylic resin. However, some can't. So, rather than putting that plastic into the landfills of the State of Maine, we have decided to give them credit to take them, if there is an incineration process, that will shred them and make wise use of them as an alternative fuel to petroleum, to give the communities the benefit of those credits. That is what the entire program is about, and the same thing pertains to, obviously, paper, which can be reused. We have de-inking stations on line now in the State of Maine. The highest and best use of paper is still to de-ink and use the fiber. The same goes for cardboard. There are cases, however, where cardboard cannot be boxed in bulk and used as a fiber. We don't want bad cardboard in our landfills. This will

encourage keeping it out of our landfills. I thank the good Senator for the question.

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

Senator **CLEVELAND:** Thank you, Mr. President. I think the bill goes beyond that. It removes a very key phrase which says, "and if the waste would otherwise be placed in stockpiles at landfills." What it then says, under the current bill, if it's going to a landfill you can use it for energy sources and not put it in the landfill and get credit for it, under the current law. What this law, as I understand it, does is removes that provision so that even if there was a recycling option, or recycling market, and it wasn't going to the landfill anyways, it was coming from the supermarkets or the chain stores or the other manufacturers, and the choice was to send it to an incinerator, you could do that even if there was a market available and burn it and still get the credit. It seems to me what that does is put in competition the incineration versus the recycling. When you do that you undermine the recycling of those products, and the reuse of those products within those markets, which, I think, is not a good public policy. It encourages incineration, which has its own particular problems, over the reuse of products. It undermines the market for the reuse, the industry developed around recycling, and it encourages the use of virgin products to remake paper, remake plastic, remake the rubber products, as opposed to using the materials that already have been produced, and putting them back into the manufacturing cycle. So, for those reasons, I would feel uncomfortable and I would ask for a division when the vote is taken.

THE PRESIDENT: The Chair would advise the Senator from Androscoggin, Senator Cleveland, that we have already adopted the amendment.

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-739), in concurrence.

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

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

Senator **CAREY:** Thank you, Mr. President. In answer to the good gentlemen from Androscoggin, Senator Cleveland, I would point out that a couple of months ago we, in Belgrade, were able to get \$120 per ton for cardboard. In the last few weeks we have had to pay \$10 per ton to have it hauled off and given away. The indications are that that price will double and it will cost us \$20 per ton. So, if he has a market for some of these things, I would suggest he call the Town Manager in Belgrade. We would love to hear him. Thank you.

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. The idea of recycling is to keep things out of the landfills. The more you recycle, or even if you put it into the burner, you are reducing the bulk by at least three-quarters of the total bulk. This is the idea with recycling. Now, if it is economically feasible, of course it should go to recycling; but when it becomes economically unfeasible, then it should go into the burner instead of the landfill. That's the whole idea of what is going on. Before, the communities were not getting any credit at all for it. What this is attempting to

do is give them credit for it. Rather than put it into the landfills, it is being used for different purposes. Thank you.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-739), in concurrence.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 5 Senators having voted in the negative, Committee Amendment "A" (H-739) was **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Protect Sources of Drinking Water in the Towns of Searsport, Stockton Springs and Prospect"

H.P. 1218 L.D. 1668

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

Signed:

Senators:

CARPENTER of York
HARRIMAN of Cumberland
CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham
TAYLOR of Cumberland
GIERINGER, JR. of Portland
MARSHALL of Eliot
LUTHER of Mexico
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 "A" (H-742).

Signed:

Representatives:

O'NEAL of Limestone
HEESCHEN of Wilton

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

Which Reports were **READ.**

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

Senate

Ought to Pass As Amended

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Improve the Function of the Maine Health Security Act"

S.P. 335 L.D. 916

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-462).

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-462) **READ** and **ADOPTED.**

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

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning"

S.P. 528 L.D. 1445

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-463).

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-463) **READ** and **ADOPTED.**

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

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Amend the Laws Regarding Employee Leasing Companies" (Emergency)

S.P. 689 L.D. 1761

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-464).

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-464) **READ** and **ADOPTED.**

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

SECOND READERS

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

House

Bill "An Act to Amend the Atlantic Salmon Authority"

H.P. 1338 L.D. 1832

Which was **READ A SECOND TIME.**

On motion by Senator **HALL** of Piscataquis, Senate Amendment "A" (S-466) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator **HALL.**

Senator **HALL:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Atlantic Salmon Authority bill that we passed last year. No members were appointed to this Authority. There has been some minor revisions made in the bill. One thing that was forgotten to put on was the emergency clause. The appointments are now ready to be made. By putting on the emergency clause, they can be made. The members have to be confirmed by the Senate. Therefore, we can accomplish this task before we adjourn with this emergency on the bill. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-466) **ADOPTED.**

The Bill **PASSED TO BE ENGROSSED, As Amended, in NON-CONCURRENCE.**

Sent down for concurrence.

House As Amended

Bill "An Act to Limit the Use of Certificates of Participation"

H.P. 952 L.D. 1341

(C "A" H-738)

Bill "An Act Authorizing the Town of Mount Vernon to Withdraw from the Cobbossee Watershed District"

H.P. 1176 L.D. 1608

(C "A" H-734)

Bill "An Act Concerning the Seasonal Sale of Reformulated Gasoline"

H.P. 1201 L.D. 1651

(C "A" H-741)

Bill "An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police"

H.P. 1229 L.D. 1682

(C "A" H-740)

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

Senate As Amended

Bill "An Act to Amend the Laws Pertaining to the Regulation of Denturists"

S.P. 342 L.D. 947
(C "A" S-460)

Bill "An Act to Further Streamline Licensing Procedures at the Bureau of Insurance"

S.P. 692 L.D. 1762
(C "A" S-459)

Bill "An Act to Extend the Electric Rate Stabilization Projects" (Emergency)

S.P. 704 L.D. 1793
(C "A" S-458)

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

Sent down for concurrence.

ENACTORS

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

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)

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

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

An Act to Allow Voluntary Withholding of Federal and State Income Taxes from Unemployment Compensation Benefits

S.P. 639 L.D. 1674
(C "A" S-437)

An Act Pertaining to the Northern New England Passenger Rail Authority

H.P. 1228 L.D. 1681
(S "A" S-445)

An Act to Simplify Applications for Tax Exemptions for Blind Individuals

H.P. 1248 L.D. 1710

An Act to Increase the Municipal Share of Dog Licensing Fees

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

An Act to Amend the Commercial Vehicle Weight Laws

S.P. 674 L.D. 1734
(C "A" S-438)

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

Senate at Ease

Senate called to order by the President.

Emergency

An Act to Repeal the Requirement that Disbursement Warrants Receive an Affirmative Vote by Municipal Officers

S.P. 608 L.D. 1612
(C "A" S-421; S "A" S-444)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senator having voted in the negative, and 24 being 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.

Emergency

An Act to Correct a Technical Error Relating to the Research Expense Tax Credit

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

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

Resolves

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

S.P. 379 L.D. 1056
(H "A" H-743 to C "A" S-420)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1219 L.D. 1669
(C "A" H-723)

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

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

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator **KIEFFER** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife" (Emergency)

S.P. 666 L.D. 1726

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-465)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-465) **READ** and **ADOPTED**.

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

ORDERS OF THE DAY

Out of order and under suspension of the rules, the Chair laid before the Senate the seventh Tabled and Today Assigned 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 11, 1996 by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator STEVENS of Androscoggin moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

Senator BUSTIN of Kennebec requested a Division.

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 Butland.

Senator BUTLAND: Thank you, Mr. President, Ladies and Gentlemen of the Maine Senate. I rise this morning in support of the pending motion by the Senator from Androscoggin, the Chairman of the Transportation Committee, Senator Stevens. You will remember that last year this Legislature overwhelmingly passed a bill that established a set of four criteria for the Maine Turnpike Authority to consider when attempting to determine whether the widening of the turnpike was the only viable alternative for relieving the congestion on the turnpike. If I can take you back for a moment, those four criteria were: congestion pricing, electronic toll taking, an alternative mode study, and carpooling and vanpooling. If, after a reasonable period of time of studying these four criteria, the Board of Directors of the Maine Turnpike Authority felt that the only alternative was to widen the turnpike, they had the authority to authorize that. It put the Board of Directors on equal footing with the Commissioner of the Department of Transportation. The amendment that is before you today simply adds a fifth criteria, approval of the project by the people of the State of Maine in a referendum to be held in November of 1996. This amendment does not sidestep the original requirements, and it is completely in confidence with the Sensible Transportation Policy Act that was passed five years ago.

Now, why do I feel that this amendment is necessary? The bill that we passed last year came about as a result of negotiations between the opponents and the proponents of the widening in 1991. The resulting compromise provided a predictable timetable for determining the necessity of turnpike widening. It was agreed upon, unanimously, last year by all of the stakeholders. Unfortunately, since that time, a tremendous amount of back pedalling has taken place. I refer to an article that was in the Casco Bay Weekly soon after the agreement was made public, where, at their convention, the Green Party said that they would oppose the widening of the turnpike, and that they would send it back to the people for another vote. Also, there was a series of editorials, "op ed" pieces, in the newspapers. The one that I have here appeared in the Kennebec Journal. It was entitled, "Turnpike Vote Betrayed by an Elitist Deal." Also, unfortunately, one of the key stakeholders to the

agreement, Allen Caron, stated in an article in Downeast Magazine, that he felt that another referendum, this one focused exclusively on widening the toll way is unavoidable. In fact, the Natural Resources Council of Maine, which signed onto the agreement last year, went so far as to go out and commission its own study this year to prove that the widening was unnecessary. The Natural Resources Council even held a press conference to release the result of its study one day before the Maine Turnpike Authority was scheduled to come before the Transportation Committee to present its findings in the analysis of the turnpike traffic.

The report, and the study that was done by the Natural Resources Council of Maine, flies in the face of the good faith efforts by the Maine Turnpike Authority, which was made in looking objectively at the alternatives envisioned by the Sensible Transportation Policy Act. Since 1991 the Maine Turnpike Authority has spent more than \$1 million exploring the feasibility of alternatives, from rideshare programs to rail, to commuter bus services and to intermodal studies and congestion pricing. What have we learned from these studies? We spent about \$200,000 on the rideshare program. To date they have signed up approximately 146 people, and they feel that they have removed between ten and twenty cars from the turnpike daily. The most optimistic study of Amtrak showed that for the cost of the \$60 million that it is going to cost American taxpayers, they probably will be taking no more than 250 cars off the turnpike on a daily basis. The congestion pricing study that was done last year cost the Turnpike Authority \$300,000 and they have found it affected approximately one half of one percent. Traffic on the turnpike continues to increase at record numbers, and, unfortunately, these alternative measures are not abating that increase. By this time next year, the Maine Turnpike will have spent \$2 million on the alternatives. The Natural Resources Council's handling of the outside study signals to me, and to many others, that the Natural Resources Council is not committed to an open mind on widening. They merely wanted to stack the deck in their favor. During the public hearing on this amendment, Jonathan Carter, of the Green Party, stated that he didn't believe that the Maine Turnpike Authority's analysis was rigorous enough and that bike paths should be studied as an alternative to turnpike widening. I think that if you are a blue-collar worker, living in Biddeford, driving daily down to the shipyard in Kittery, that you probably find that that notion is pretty absurd.

Brownie Carson, of the Natural Resources Council of Maine, stated that a referendum could only be avoided if the Maine Turnpike Authority's analysis was, in his opinion, rigorous, thorough and fair. We need to remember that his definition of rigorous for congestion pricing last year included a \$3 surcharge on every vehicle coming into the State of Maine, with ads in every newspaper south of Maine promoting this surcharge. It certainly would not have provided a warm welcome to visitors. Fortunately, this Legislature had the common sense to intervene and overwhelmingly passed a bill that would scrap such a restrictive plan. I am afraid that the definition of rigorous will be a moving target, just as all the environmental standards for Sears Island turned out to be moving targets. Quite frankly, we cannot afford the same slow death of the turnpike widening.

In the same article that I referred to earlier in the Downeast Magazine, Brownie Carson is quoted as saying, "There are also a great many people who think the turnpike is as wide as it should ever be if Maine's special qualities are to be protected and not completely overrun." I take these people at their word. They have convinced me that another referendum on the widening of the turnpike is inevitable. This amendment simply makes it the fifth requirement for the Maine Turnpike Authority to consider.

We shouldn't lose sight of the most compelling reason to widen the turnpike, which is safety. The turnpike was designed back in the mid forties. The specifications back then were eight foot breakdown lanes, steep drainage embankments beyond the breakdown lanes, narrow medians, and lower bridge standards. Traffic has doubled on the turnpike between 1984 and 1994. Since the referendum in 1991, turnpike traffic has increased by almost 20%. Last year 43 million vehicles travelled on the turnpike. The four lane stretch in question is twice as dangerous as other sections of the turnpike. If you have paid attention this winter, you will have noticed that on six separate occasions the turnpike was closed to traffic because of accidents. A year ago, during the same debate, I presented a special supplement to all members, from the Portland Press Herald. They did a very comprehensive report on transportation needs here in the State of Maine. One of the articles that they did talked about State Troopers citing safety to promote widening. I want to read to you four short excerpts from this article. The first one says that "ten of thirteen officers, those who patrol the thirty-mile, four-lane stretch of the turnpike from York to Scarborough, have been struck by traffic, either physically or while in their cruisers." Ten out of thirteen. "Nichols, and other troopers, strongly support widening the turnpike, and its breakdown lanes, to make it safer for all of them and all of the drivers." Every trooper interviewed had similar horror stories. Even the ones who haven't been in accidents said "they routinely have to jump out of the way of oncoming traffic." Finally, "rescue efforts get delayed by the stalled traffic." This is a quote by Robert Carson, who is the Scarborough Fire Chief. "Rescue efforts get delayed by stalled traffic. Fire trucks can barely squeeze onto the narrow breakdown lanes to get past traffic that stalls when accidents occur. It is such a tight squeeze that you can touch the guardrail. You can't hurry. You are operating with inches, not feet." Clearly, safety is an overwhelming concern. We are not talking about a matter of mere convenience here. We are talking about the health, welfare and safety of our constituents.

Why is a referendum in November of this year necessary? I think it is necessary to avoid a replay of the 1991 vote. With this amendment we, the Legislature, can control the wording and the timing of a simple yes or no vote, which was not the case in 1991. In 1991 if you wanted to vote yes, you voted no; and if you wanted to vote no, you voted yes. Obviously, there was a lot of confusion. I don't think that there are many people in this chamber today who are happy with the wording of the clearcut referendum. Does anyone think that the title truly reflects the intent of the sponsors?

The timing is right because 1996 is a presidential year. The largest turnout for the remainder of the century will be at the polls in 1996. We need to take advantage of that, and we need to put this vote before the largest number of people that we possibly can. I believe that the timing is right for November of 1996, also, because the clearcutting referendum will be on the ballot. I suggest to you that we can promote a combined campaign, a campaign for Maine, a campaign for Maine's future. These two issues are critical to Maine's future. Passage of the clearcutting referendum will cripple Maine's forest products industry, which is the number-one industry; and failure to widen the turnpike, failure to ignore the safety needs on the Maine Turnpike, failure to expand Maine's primary economic artery will have a tremendously detrimental impact on tourism and economic development. We have to remember that this, in fact, is our primary economic artery. We are not talking about some wilderness path or trail. We are talking about that road where the majority of people and products come into the State of Maine. So, I propose a campaign for Maine. Let's send out a message that Maine is open for business. Let's reinforce the notion that Maine is on the move. Let's bring together northern and southern Maine in a unified campaign. A campaign that speaks to a common purpose. A campaign that helps to promote and preserve jobs and opportunity, jobs and security for Maine workers, and opportunity for our children.

I had the opportunity to be on a panel the other day with the Representative from Kingfield, Representative Dexter. We were talking about the clearcutting; and in a break in the action he turned to me and he said, "Are the people in your area going to vote against the clearcutting? I mean they don't have any direct impact." I said, "Eddie, I can assure you that I will do everything in my power to make them aware. We may not live, in southern Maine, in the shadow of a paper mill; but we certainly understand the economic importance of that facility to all people in the State of Maine." We need to unite the folks from Frenchville and Madawaska to the folks from North Yarmouth and Pownal, and move forward. We are talking about a vision for Maine's future. Do we keep the State of Maine, as some have suggested, pristine and poor, or do we allow for planning and orderly growth to ensure that Maine is on the move? Thank you.

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Senate. Living off a wilderness path and trail, I was one of those who fought vociferously the turnpike referendum last year, because we do use, proportionately and in greater numbers, from statistics, the northern Mainers have to travel a lot because of where we live. We do use that turnpike extensively. So we vociferously fought that battle, like I said, and we lost. We did not prevail. For all of the good reasons that the good Senator from Cumberland has just stated, we did use those arguments for why we needed the turnpike widened. We lost that battle. Nine members of the Transportation Committee just now, again, reviewing it over and over, decided that this was not the time to revisit this issue. We have a process that is in place right now. The industry representatives all agreed with us that to interrupt the process right now

could possibly mean losing everything again. Maybe next time when the door shuts, there will not be much of an opening for us to go through. So, for all those reasons, I am voting against this. When the vote is taken I would like the yeas and nays. Thank you.

Senator **PARADIS** of Aroostook requested a Roll Call.

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. I represent thirteen towns in York County. A lot of my people have to travel that turnpike. Sooner or later, everyone of us knows, in this room, that we are going to widen the pike. Why do we keep holding it off? The more you hold it off, the more it is going to cost, the more lives are going to be lost. I'm telling you right now, it's the gateway to Maine. It's the gateway to the future of our economy. I would hope that we take and accept the minority report. Thank you.

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. I rise to support the good Senator from Cumberland in wanting to bring this issue back to the people this fall. As you know, I chair the Maine Highway Safety Commission. I was involved, actually, the Highway Safety Commission took a very active role in the election of 1991, supporting the widening of the turnpike. The good Senator from Aroostook states that we lost the argument with all that has been said today. I would like to remind people that that wasn't really true. For one who was very actively involved in the campaign to support a referendum in 1991, when we were talking about safety, we were way ahead in the polls. We continued to be ahead until the last couple of weeks when, all of a sudden, the mood shifted. The debate then was, as you remember, the atmosphere of state government in 1991 wasn't very popular, we had just come back from a state shutdown, we had a lot of budget problems; and the whole widening of the turnpike all of a sudden became connected to those two very unpopular issues, which really had nothing to do with the widening of the turnpike. We got away from the real reasons why we had to widen it. We got away from the safety arguments and we lost the debate; because, all of a sudden, the proponents on the other side shifted the debate. There was a lot of misinformation; and, unfortunately, we did lose; but we lost it by a small margin. I just bring that up because I think it is important to remember what the mood was in November of 1991. You know, we have spent over \$2 million to try to prove why we ought to widen this highway. I don't know what anybody else needs to know here, except that we have had some fatalities since 1991, directly related to the fact that the road is too narrow. We have had a fatality directly related to debris falling from an overpass. We have had some fatalities, a couple from New York killed because they were in the breakdown lane. I don't know what more you need to convince yourselves that this is, indeed, a very unsafe highway.

I just recently had occasion to go to Boston this weekend. As you are travelling back to Maine, you find yourself, in Massachusetts, on a four-lane highway. It's like wow! You know, this is really good. You're not all crowded together. You

eventually get to another three-lane highway; and then, all of a sudden, you get to Maine; and you are on this little two-way, two-lane highway. You just say to yourself, "you know, this really says something." This is the only highway, our economic highway. This is the way our goods travel into our State. The only other alternative we have is Route 1. Do you think that's better? I think it is very unfortunate that we are sort of caught in this process which, by the way, nobody knew they were voting for the Sensible Transportation Safety Act. If you want to talk about misleading the voters. Of course that is never talked about. The issue was always widening the turnpike, and voters had no clue that they were voting into this other Sensible Transportation Act Policy. So, there was a lot of misinformation in 1991. I think it's time to bring it back to the people, with a very simple vote, that yes means yes and no means no. The only question will be do you approve widening the turnpike? I ask you to support the amendment before you. Thank you.

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

Senator **McCORMICK:** Thank you, Mr. President. There is a couple of simple facts about this proposed minority report. The first is that it is a minority report. The Committee voted, nine to four, against circumventing the Sensible Transportation Act and circumventing the will of the voters in 1991 by holding a new referendum. Fact number two, the business community and the Maine Turnpike Authority, environmentalists in this State, all oppose having a referendum at this time. We have a process in place that works. It is working and the Turnpike Authority is proceeding with demand reduction and management applications, that are going to deal with the congestion in the one year that we have until the process of determining whether or not we should widen the turnpike concludes. I want to emphasize that. For those of you that don't know, we are in the process of deciding whether or not to widen the turnpike. If we vote on this minority amendment today, we will circumvent that process. That is the question that is being discussed all over this State right now, whether or not to widen the turnpike. I, for one, am going to support whatever is decided there. I urge you to do the same. If you want to support the process that we have put in place, that the voters of Maine have put into place, then you will vote no on this minority report. Government is not seen with the kind of respect that it used to be, and part of that is because we keep changing our minds. We keep turning back on ourselves. The voters have spoken. This process is working. Let's continue with the process and in one year we will know whether or not we are going to widen the turnpike. I know that we will all support that. We don't need a referendum now. Thank you.

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

Senator **BEGLEY:** Thank you, Mr. President. I ask you to support the motion. The process, if it works, is a very strange process to go through. The lifeblood of the State is there. We are also talking, from my area, tourism. We are also talking all kinds of money. The process that came to us was a process of delay, of delay on the basis of so-called perfection for aspects of the State. Almost everybody else has told you, somewhere along the line in the last few years, that you better

improve the economic situation of the State for obvious reasons. So, I ask you to please support the pending motion. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. The debate here on widening the turnpike reminds me of something I was doing this morning before I came to work. I was filling one of my bird feeders. One of my bird feeders is one of these bottles, like the large bottles of Coke or Pepsi. It has a narrow neck so I have to put a funnel in it to get the birdseed into the bottle. As I did my best to pour the birdseed into the bottle, the funnel kept plugging up. It reminded me of coming back to Maine this weekend, through Kittery. I came onto the pike in Kittery from New Hampshire, after visiting our youngest daughter in Dover. There I was on a wide turnpike, three lanes. I kind of relaxed as I drove along. I had some space. I felt safe. So, this debate reminds me of loading up the bird feeder this morning and how it plugged up. That's what happens when I drive north on the turnpike and I come from three lanes to two. Things kind of bottle up a bit.

I went down to Portland last Thursday in a snow storm, to Channel 6. I had to compete in two lanes of traffic with snow and heavy trucks and other traffic. I didn't feel very safe about it. If I had had another lane of traffic I would have felt a bit safer. So, as I read this handout this morning in the Chamber, of these several newspapers in Portland and Lewiston and Waterville and Brunswick and Bangor, and what they have to say about the issue, I am reminded that I don't read on here anything about the Franklin Journal and their position on widening the pike. The Rangeley Highlander and the Sugarloaf Regular, my constituents, want to see the turnpike widened because it is a lifeline for tourists to our area in Western Maine. So, I will be voting to widen the turnpike, and I will keep voting that way because it reminded me this morning about my bird feeder. My bird feeder has got to go. It's got to be replaced. It's got to be widened. So does the turnpike.

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. I was one of the four that voted on the widening of the turnpike. For safety reasons it has to be done as soon as possible. All the reports that were requested to be done will be in by the time we vote in November. Time is money and time is also lives. I believe we should be in a position where we can go right straight through and widen the pike, if that's the wish of the public. Thank you.

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

Senator **LONGLEY:** Thank you, Mr. President, Men and Women of the Senate. If a mile of road were as cheap as a pound of birdseed, I might consider voting for this turnpike. If one of my constituents favors the widening, or the referendum, I might consider voting for this provision. Most importantly, if my research through the sixties and seventies, and reading the Legislative Record, and seeing several references to times when the people have spoken, and the Legislature honoring what the people had stated, if I hadn't seen those references many, many times in the Legislative Record in my history research, I

might be more willing to amend how the people have spoken. For those three reasons, I'll be voting against the pending position. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have all probably had a lot of calls, I know I have, from constituents. I have got kind of a pat answer that I give them. I say under no circumstances will I vote to widen the turnpike without a referendum, or completion of the study. Sometimes that leaves them with not too much to say. Actually, all we are doing here is giving the citizens of the State an opportunity to make a choice. We are placing our faith in the hands of the citizens; and I, for one, have faith in their judgement. Therefore, I will be supporting the pending motion. Thank you.

On motion by Senator **PARADIS** of Aroostook, supported by a division of at least one-fifth of the member present and voting, a Roll Call was ordered.

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

Senator **BUTLAND:** Thank you, Mr. President. Once again, Ladies and Gentlemen of the Maine Senate, I just want to get up to clarify some points that have been made by the good Senator from Kennebec, Senator McCormick. She, somehow, thinks that what we are doing here today would circumvent the Sensible Transportation Policy Act, or at least the will of the people. I have to remind everyone here that what we are doing is making an additional criteria to the four that we added last year that the Board of Directors has to look at. It is a public referendum. I don't know how you can subvert the will of the public by sending something back out to them to vote on. Certainly, the people who want to close down Maine Yankee have had three referendums in a space of eight years; and they didn't think they were subverting the public will every time that they sent that out. Also, I want to talk about the opposition.

The opposition has done a good job here over the last couple of weeks. It has been a really impressive lobbying effort. They don't want a referendum because they don't want to pay for a referendum. You need to realize that my bill, last year, that I introduced, called for a referendum. Soon after it was printed, a whole host of folks came to me and said, "We represent the proponents and the opponents of the Sensible Transportation fight of 1991. We are united. We don't want to see another referendum. It's going to cost a couple million dollars and we think it will be divisive." I said, "Fine, I am simply looking for a predictable way that we can determine whether we widen, or not widen, the turnpike. If you can come up with a compromise, I will embrace it." They did, and I did. Unfortunately, since that time, one of the major stakeholders has been back tracking. When they say that a referendum is inevitable, I think that it is incumbent upon this Legislature to control the wording, so that we don't have another confusing question. I think it is also incumbent upon this Legislature to control the timing. Let's do it in 1996. Let's not do it in 1997. I can guarantee you that if we don't send this to the people in 1996, that there will be people standing at the polls in November of 1996 gaining the signatures to put it on. We will be faced, in 1997, with a small turnout

and a question on the ballot that reflects what we all feel, or what I hope we all feel, is in the clearcutting referendum. I don't know how that subverts, or circumvents, the will of the people. I think it is absolutely, totally, in concert with the Sensible Transportation Act. We are not vetoing anything. We are just adding this to a list of four other established criteria that we overwhelmingly passed last year. I would not want you to be confused by that issue.

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. To further clarify, because I, too, don't want any of us to be confused, the study, the four criteria that are being studied, whether or not to widen the turnpike, will issue their report on December 15 of next year. It is true, as the good Senator from Cumberland has said, that they will report on these four criteria; and they will report to us on December 15. But guess what? Your math is as good as mine. December 15 is after the November referendum date that the good Senator proposes. Therefore, the people of the State of Maine will not have the benefit of the facts in the study that this Committee that we put in place, that the Sensible Transportation Act put into place, long ago in 1991. So, therefore, I reiterate, this is a circumventing of the process. It is a very slick circumventing of the process, but it is a circumventing of the process. We are now studying, I repeat, we are studying, whether or not to widen the turnpike; and a report will be due and it will be widened if it needs to be widened; and it will not be widened if it doesn't need to be widened.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you, Mr. President, Ladies and Gentlemen. I dare bet that there is probably 100 people in the State of Maine just dying for this report to come out. We have so many studies and so many task forces, and everything else, spending a lot of the taxpayers' money. I can tell you the public out there puts just about as much faith in them, and read them just about as much as you do, when they put them on your desks. They are all downstairs, somewhere, gathering dust. The smart thing to do is, we have another item right handy to this; and if we take care of that, we will save a lot more money. I can't believe I have sat here and listened for an hour on this issue, just as if the voters out there don't know what to do. We simply have been arguing about whether or not to give them the opportunity to tell us what they want. I don't know if some of you people haven't driven down that turnpike in the last ten years or what. I don't go often; but anytime I go, I wish that it was more than two lanes. The breakdown lanes are narrow. It's unsafe. I have information on my desk that tells me that ten out of thirteen State Troopers have been hit. That alone should tell you. They have an accident down there and they have to close the place. I came up through a few weeks ago and there was an accident down on the lower end, and traffic was backed up for at least three miles, with nobody moving. There is no need of that. We are back to operating the Model T again, I guess. Let's have at it. Let's let the voters decide if they want it. I will guarantee you I think they will say yes. This is a bond that the user is going to pay for. This is not affecting people up

way all that much, although my businesses would like to see some better roads when they are hauling their trailer trucks down through there and everything. Let the voters decide. Thank you.

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

Senator **BUTLAND:** Thank you, Mr. President. Once again, Ladies and Gentlemen of the Senate, the studies that the good Senator from Kennebec, Senator McCormick are talking about, are going to be completed before the referendum. The second year of congestion pricing that the Turnpike Authority will be paying \$600,000 for is going to end on Labor Day. The results of that study will be known considerably before the November vote. I tend to agree with the good Senator from Piscataquis, Senator Hall, my people are telling me that we don't need to study it any more. I want to, once again, reinforce the idea that what we are proposing here today goes right hand in hand with the Sensible Transportation Policy Act. It goes right hand in hand with the four criteria that we passed last year. It merely asks the good people of the State of Maine if, yes or no, do you want to widen the turnpike from two lanes to three lanes from mile 13 to mile 43? There is no subterfuge. There is no circumvention. Just plain old democracy, which I always thought was healthy. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. The good Senator from Waldo, Senator Longley, makes a point in noting that the widening of the turnpike will cost more than purchasing birdseed. She talks apples, I talk oranges. I know, we all know, that widening that turnpike is going to make it safer. Now we are talking lives, and that's not an argument for the birds. Thank you.

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

Senator **CARPENTER:** Thank you, Mr. President, Women and Men of the Maine Senate. If you want a study, why don't you let me do it? I'm right in the middle down there. I'm on the turnpike a lot. I can tell you I have choices what exits to exit and enter the turnpike on. If I'm going south, I enter at Kennebunk. Going south it is a good road. It's wide enough. I can keep moving along. I don't see a lot of accidents. There doesn't seem to be a lot of major tie-ups. Coming to Augusta, when I hit the turnpike, unless I'm moving at five in the morning, and I get on the turnpike going north, it needs widening. That's my study. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **STEVENS** of Androscoggin that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** 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: **BEGLEY, BENOIT, BERUBE, BUTLAND, CARPENTER, CIANCHETTE, FERGUSON, HALL, HANLEY, HATHAWAY, LORD, MILLS, PENDEXTER, STEVENS,** and the **PRESIDENT PRO TEM,** Senator **KIEFFER**

NAYS: Senators: BUSTIN, CLEVELAND, ESTY,
FAIRCLOTH, GOLDTHWAIT, LONGLEY,
McCORMICK, MICHAUD, O'DEA,
PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senators: ABROMSON, AMERO, CAREY, CASSIDY,
HARRIMAN, LAWRENCE, SMALL

15 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 7 Senators being absent, the motion by Senator STEVENS of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-443) READ and ADOPTED.

The Bill, as Amended, LATER 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.

Off Record Remarks

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

JOINT ORDER - relative to the Joint Standing Committee on Taxation reporting out a bill concerning the Milk Handling Tax.

H.P. 1339

Tabled - March 11, 1996, by Senator KIEFFER of Aroostook.

Pending - PASSAGE

(In House, March 7, 1996, READ and PASSED.)

(In Senate, March 11, 1996, Joint Order READ.)

Which was PASSED, in concurrence.

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

JOINT ORDER - relative to the Joint Standing Committee on Transportation reporting out a bill concerning logo signs.

H.P. 1340

Tabled - March 11, 1996, by Senator KIEFFER of Aroostook.

Pending - PASSAGE

(In House, March 7, 1996, READ and PASSED.)

(In Senate, March 11, 1996, Joint Order READ.)

On motion by Senator KIEFFER of Aroostook, INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

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

HOUSE REPORTS from the Committee on BANKING AND INSURANCE on Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies"

H.P. 976 L.D. 1385

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-707) (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-708) (3 members)

Tabled - March 11, 1996 by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT
(In House, March 7, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707).)

(In Senate, March 11, 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 fourth Tabled and Today Assigned matter:

HOUSE REPORTS from the Committee on CRIMINAL JUSTICE on Bill "An Act to Allow Charitable Solicitation by Law Enforcement Officers, Agencies and Associations"

H.P. 478 L.D. 659

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-732) (8 members)

Minority - Ought to Not to Pass (5 members)

Tabled - March 11, 1996 by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, March 7, 1996, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, March 11, 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 Today Assigned matter:

HOUSE REPORTS from the Committee on TAXATION on Bill "An Act to Ensure Proper Withholding of State Income Tax"

H.P. 1249 L.D. 1711

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-735) (12 members)

Minority - Ought to Not to Pass (1 member)

Tabled - March 11, 1996 by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, March 7, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735).)

(In Senate, March 11, 1996, Reports READ.)

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

The Chair laid before the Senate the sixth Tabled and Today Assigned 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 11, 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.

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

Senator KIEFFER of Aroostook was granted unanimous consent to address the Senate off the Record.

Senate at Ease
Senate called to order by the President.

On motion by Senator BUSTIN of Kennebec, RECESSED until 11:30 o'clock this morning.

After Recess
Senate called to order by the President.

Off Record Remarks

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

SECOND READERS

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

House

Bill "An Act to Place Penobscot Land in Trust"
H.P. 1306 L.D. 1787

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Allow Municipalities and Regions to Include Beneficial Use of Waste Originated in Their Jurisdiction As Credit in Demonstrating Recycling Progress"

H.P. 1209 L.D. 1659
(C "A" H-739)

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

Senate As Amended

Bill "An Act to Improve the Function of the Maine Health Security Act"

S.P. 335 L.D. 916
(C "A" S-462)

Bill "An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning"

S.P. 528 L.D. 1445
(C "A" S-463)

Bill "An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife" (Emergency)

S.P. 666 L.D. 1726
(C "A" S-465)

Which were READ A SECOND TIME.

Senate at Ease
Senate called to order by the President.

Which were PASSED TO BE ENGROSSED, As Amended. Sent down for concurrence.

Bill "An Act Relating to the Potential Improvement of the Maine Turnpike Authority"
S.P. 648 L.D. 1690
(C "A" S-443)

Which was READ A SECOND TIME.

Senator LAWRENCE of York moved to Table for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, AS AMENDED.

Senator PENDEXTER of Cumberland requested a Division.

On motion by Senator LAWRENCE of York, supported by a division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York to TABLE 1 LEGISLATIVE DAY, pending PASSAGE TO BE ENGROSSED, AS AMENDED.

A vote of Yes will be in favor of TABLING 1 LEGISLATIVE DAY.

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: BERUBE, BUSTIN, CIANCHETTE, CLEVELAND, ESTY, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, RAND

NAYS: Senators: AMERO, BEGLEY, BENOIT, CARPENTER, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ABROMSON, CAREY, CASSIDY, FAIRCLOTH, HARRIMAN, PINGREE, RUHLIN, SMALL

13 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 8 Senators being absent, the motion of Senator LAWRENCE of York to TABLE 1 LEGISLATIVE DAY, pending PASSAGE TO BE ENGROSSED, AS AMENDED, FAILED.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed, as Amended.

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

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED, AS AMENDED.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED, AS AMENDED.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BEGLEY, BENOIT, BERUBE, CARPENTER, CIANCHETTE, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: AMERO, BUSTIN, CLEVELAND, ESTY, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, RAND

ABSENT: Senators: ABROMSON, CAREY, CASSIDY, FAIRCLOTH, HARRIMAN, PINGREE, RUHLIN, SMALL

15 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 8 Senators being absent, the Bill was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

Bill "An Act to Amend the Laws Regarding Employee Leasing Companies" (Emergency)

S.P. 689 L.D. 1761
(C "A" S-464)

Which was **READ A SECOND TIME.**

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED, AS AMENDED.**

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

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 Ensure Proper Withholding of State Income Tax"

H.P. 1249 L.D. 1711

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-735)** (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, March 7, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735).**)

(In Senate, March 11, 1996, Reports **READ.**)

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

On motion by Senator **LAWRENCE** of York, **ADJOURNED** until Wednesday, March 13, 1996, at 9:00 o'clock in the morning.