

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 5, 1990 to May 20, 1991

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

In Senate Chamber
Tuesday
February 5, 1991

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

Prayer by the Honorable Bonnie L. Titcomb of
Cumberland.

SENATOR BONNIE L. TITCOMB: Dear Lord, we gather again today to do the work of the people. We open our hearts in prayer to ask Your help that we would do that work well, with compassion, with solemn responsibility, with caring, and with personal commitment to the values we strive to uphold. Help us to open our minds and our hearts to the realities that surround us, to the pain of people who struggle, and work, and search for solutions in a time when answers do not always appear. Help us to see the needs that cry outside these noble walls of government, and to fairly and wisely seek to resolve the differences between each of us and our political philosophies. We are only tools and here but for a brief time. The work that we do must be dedicated to serve the people both now and for decades to come. It is only our service that is noble, and it is the people of this state that must be served.

I spoke to my minister and asked if there was something that he might say that I could say for him in his absence, and the message that he sent was, "Let our eyes find God's glory in these troubled days, and may the true spirit of peace fill our hearts, our homes, and spread its wings across our nation and our world." Amen.

Reading of the Journal of Friday, February 1, 1991.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Create Citizen Councils on
Unorganized Islands"

S.P. 118 L.D. 217

In Senate, February 1, 1991, referred to the
Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED
PRINTED.**

Comes from the House referred to the Committee on
ENERGY AND NATURAL RESOURCES and **ORDERED PRINTED** in
NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Amend Revenue Sharing"

S.P. 121 L.D. 223

In Senate, February 1, 1991, referred to the
Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED
PRINTED.**

Comes from the House referred to the Committee on
ENERGY AND NATURAL RESOURCES and **ORDERED PRINTED** in
NON-CONCURRENCE.

On motion by Senator **CLARK** of Cumberland, the
Senate **ADHERED** in **NON-CONCURRENCE.**

Sent down for concurrence.

House Papers

Bill "An Act to Decrease the Number of Years of
Service Required for Receipt of Retirement Benefits"
H.P. 149 L.D. 221

Comes from the House referred to the Committee on
AGING, RETIREMENT AND VETERANS and **ORDERED PRINTED.**

Which was referred to the Committee on **AGING,
RETIREMENT AND VETERANS** and **ORDERED PRINTED,** in
concurrence.

Bill "An Act to Amend and to Clarify
Confidentiality Provisions in the Maine Insurance
Code"

H.P. 191 L.D. 284

Comes from the House referred to the Committee on
BANKING AND INSURANCE and **ORDERED PRINTED.**

Which was referred to the Committee on **BANKING
AND INSURANCE** and **ORDERED PRINTED,** in concurrence.

Bill "An Act to Amend the Laws Affecting Permits
to Practice Public Accountancy"

H.P. 159 L.D. 244

Bill "An Act to Prohibit Insurance Companies From Referring Clients Directly to Particular Glass Companies"

H.P. 163 L.D. 248

Bill "An Act Regarding Emergency Medical Services Personnel" (Emergency)

H.P. 180 L.D. 265

Bill "An Act to Amend the Laws Concerning the Administration of Prescription Drugs by Emergency Medical Services Personnel"

H.P. 181 L.D. 266

Bill "An Act to Prescribe the Duties and Liabilities of Roller-skating Rink Operators and Persons Who Use Roller-skating Rinks"

H.P. 182 L.D. 267

Come from the House referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Change the Minimum Reimbursement for Education to the Unorganized Territories"

H.P. 167 L.D. 252

Bill "An Act to Provide for a Student Member of the Board of Trustees of the Maine Technical College System"

H.P. 173 L.D. 258

Bill "An Act to Provide Due Process in Employment Decisions Affecting Public School Principals"

H.P. 190 L.D. 283

Come from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Assuring Clean Waters in Maine"

H.P. 161 L.D. 246

Bill "An Act to Expedite Erosion Control on the Shoreline of Sebago Lake in the Town of Standish"

H.P. 160 L.D. 245

Bill "An Act Regarding the Closure of Certain Landfills"

H.P. 152 L.D. 237

Bill "An Act to Preempt the Definition of Subdivision"

H.P. 148 L.D. 220

Bill "An Act to Allow a Municipality to Assess an Administrative Penalty for Violations of Timber Harvesting and Vegetation Clearing Provisions of the Shoreland Zoning Laws"

H.P. 171 L.D. 256

Come from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Hunting Laws"

H.P. 150 L.D. 235

Bill "An Act to Ban Waterskiing on Certain Parts of the Saco River"

H.P. 157 L.D. 242

Come from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Allow Minors to Make Anatomical Gifts"

H.P. 186 L.D. 279

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Resolve, to Create a Pilot Project for a Substance Abuse Halfway House for Pregnant Women and Mothers with Young Children

H.P. 174 L.D. 259

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

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Regarding the Operation of the Superior Court"
H.P. 158 L.D. 243

Bill "An Act to Limit the Liability of Charitable Institutions"
H.P. 168 L.D. 253

Bill "An Act Regarding Court Deposits and Revenue Reporting"
H.P. 169 L.D. 254

Bill "An Act to Improve the Forfeiture Provisions of the Maine Drug Laws"
H.P. 172 L.D. 257

Bill "An Act to Amend the State Law Library System"
H.P. 176 L.D. 261

Bill "An Act Regarding Traffic Violations Bureaus"
H.P. 178 L.D. 263

Bill "An Act Regarding Claim and Notice of Disclosure"
H.P. 179 L.D. 264

Come from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Regarding Court Security in Cumberland County" (Emergency)
H.P. 177 L.D. 262

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

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Exempt Certain Small Employers from the Workers' Compensation Act"
H.P. 183 L.D. 268

Comes from the House referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Workers' Compensation Laws to Encourage Safety in the Workplace"
H.P. 175 L.D. 260

Comes from the House referred to the Committee on **LABOR** and **ORDERED PRINTED**.

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Amend Laws Relating to Political Campaigning"
H.P. 146 L.D. 218

Bill "An Act Concerning Liquor Licenses for Small Stores"
H.P. 166 L.D. 251

Bill "An Act to Correct Deficiencies in the Election Laws"
H.P. 170 L.D. 255

Bill "An Act to Remove the State from the Liquor Business"
H.P. 185 L.D. 270

Come from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"
H.P. 153 L.D. 238

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

Comes from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Make Changes in the Quahog Tax Laws"
H.P. 164 L.D. 249

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Local Units of Government Be Reimbursed for the Costs Incurred in Executing State-mandated Programs
H.P. 188 L.D. 281

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** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Shorten the Tax Abatement Application Period"
H.P. 154 L.D. 239

Bill "An Act to Abolish the Homestead Tax Exemption"
H.P. 147 L.D. 219

Bill "An Act Concerning the Time of Payment of Property Taxes"
H.P. 155 L.D. 240

Bill "An Act to Amend the Eligibility Standards for Veterans' Property Tax Exemptions"
H.P. 165 L.D. 250

Bill "An Act to Increase the Progressivity of the Maine Sales Tax Code"
H.P. 189 L.D. 282

Come from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Definition of a Street Rod"
H.P. 151 L.D. 236

Bill "An Act Concerning Vanity Plates"
H.P. 156 L.D. 241

Bill "An Act to Exempt Exits 19 to 21 on Interstate 95 from Truck Weight Restrictions" (Emergency)
H.P. 162 L.D. 247

Bill "An Act to Allow Haulers of Unprocessed Milk to Purchase a 10% Overweight Permit" (Emergency)
H.P. 184 L.D. 269

Bill "An Act to Change the Registration Year for Camp Trailers"
H.P. 187 L.D. 280

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

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

January 30, 1991

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

RE: Quarterly Report for the Fourth Quarter of
Calendar 1990
39 M.R.S.A. §92(3)

Dear President Pray:

This letter and statistical attachments are the fourth quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3). We are also including year end summary comments.

The Commission held its own in 1990. Our Commissioners decided or dismissed a record number of cases. The time needed to litigate a petition remained stable. The number of petitions undecided more than two years decreased from 287 to 221.

14,555 petitions were filed in 1990. Our Commissioners disposed of 12,723 by decision or dismissal. The total number of undecided petitions grew from 8,194 to 10,026, reflecting the volume of petition filings. By comparison, in 1989, we received 12,899 and disposed of 12,008.

Despite the larger workload, the time from the filing of a petition to a decision did not increase. The average time for a fully litigated dispute is about a year. The median is about 9 months. A few lengthy cases seem to account for the 3 month difference between the average and the median. Many cases are settled or resolved in much shorter time, but are not included in the average.

In our fourth quarterly report for 1989, we estimated 13,655 petitions in 1990. This was 6% off the actual 14,555. Later, we obtained additional information and feared we might see close to 16,000 petitions. This proved unfounded. However, we may not be so fortunate in 1991. Our forecast is 15,932, an increase of about 1,400.

Our forecasting method uses employment in previous years. This is an effort to account for the lag that usually exists between a date of injury and the filing of a petition. The lag period is frequently a matter of years. Petitions are not a subset of injuries or employment in that same calendar year.

We suspect the current recession will cause a slowdown in petition filings during 1992 and 1993. Employment has been at historically unprecedented levels since the middle 1980's. This, we believe, is the primary explanation for the increase in petition filings since 1987.

The Commission received 3,520 petitions in the fourth quarter of 1990 and disposed of 3,400 by decision or dismissal. Backlog grew from 9,906 to 10,026.

There have been no formal complaints or filings concerning the 30 day decision rule of 39 M.R.S.A. §99-B as implemented by Commission Rule 22.11. However, informal complaints about timeliness of decisions and other operational problems seem to be on the rise.

A summary of caseload and disposition is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,

S/Ralph L. Tucker
Chairman

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

The Following Communication:

**DEPARTMENT OF
MENTAL HEALTH AND MENTAL RETARDATION
STATE HOUSE STATION 40
AUGUSTA, MAINE 04333**

January 31, 1991

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

In 1985 the Legislature created the Bureau of Children with Special Needs (BCSN), and every two years required the Bureau to report on the current status and future plans for children's services. I am pleased to submit the BCSN Plan which describes current services; recognizes and supports families as central to the success of our efforts; recommends the continued development of community based programs; and quantifies current gaps in the service continuum.

I would be pleased to discuss this report with your committee and hope in the coming months to report continued progress on providing the best possible services to Maine's children with special needs and their families.

Sincerely,

S/Robert W. Glover, Ph.D.
Commissioner

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

The Following Communication:

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STATE HOUSE STATION 59
AUGUSTA, MAINE 04333**

February 1, 1991

The Honorable Charles P. Pray
Maine State Senate
State House Station 3
Augusta, Maine 04333

Re: Biennial Report

Dear Senator Pray:

I am pleased to transmit herewith the Department of Economic and Community Development's Biennial Report pursuant to 5 M.R.S.A. Section 13058.

Sincerely,
S/Lynn Wachtel
Commissioner

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333**

February 1, 1991

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, ME 04333

Dear President Pray:

Pursuant to 36 MRSA, Section 2903-A, we have submitted to the Joint Standing Committee on Taxation a Report on the Percentage of Gasoline and Special Fuel Related to Boat Use. We are pleased to transmit a copy of the report to you.

Sincerely,
S/Herb Hartman
Director

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**PUBLIC UTILITIES COMMISSION
STATE HOUSE STATION 18
AUGUSTA, MAINE 04333**

February 1, 1991

The Honorable Charles P. Pray
President of the Senate
Maine Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

In accordance with Title 35-A of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,
S/Charles A. Jacobs
Administrative Director

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333**

February 1, 1991

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

We are pleased to present the review committee report on use of visual and audible signals by operators of emergency vehicles. The report was prepared by the Department of Public Safety pursuant to P.L. 1989, c. 707, §5.

The report addresses issues surrounding the use of visual and audible signals by emergency vehicle operators including the appropriate privileges extended to such operators, the types of signals which should be used to gain the privileges, the groups to which the privileges should be extended and the necessary level of training for operators. The report is being distributed to members of the Joint Standing Committee on Transportation.

We hope you find this report useful.

Sincerely,
S/John R. Atwood
Commissioner

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Regarding Purchase of Service Credit by Teachers Who Previously Taught in Other than Public Schools"

S.P. 158 L.D. 370

Presented by Senator **DUTREMBLE** of York

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide an Alternative Refinancing Option for Teacher Retirement Payments" (Emergency)

S.P. 159 L.D. 371

Presented by Senator **DUTREMBLE** of York

Committee on **AGING, RETIREMENT AND VETERANS** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine" (Emergency)

S.P. 154 L.D. 366

Presented by Senator **BOST** of Penobscot
Cosponsored by Senator **ESTES** of York,
Representative **CROWLEY** of Stockton Springs and
Representative **HANDY** of Lewiston

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Ensure Safe Removal of Underground Oil Storage Tanks"

S.P. 146 L.D. 358

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **HOGLUND** of
Portland, Representative **COLES** of Harpswell and
Representative **SIMPSON** of Casco

Bill "An Act to Expand the Applicability of Certain Energy Standards"

S.P. 149 L.D. 361

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **PARADIS** of Augusta
and Representative **DAGGETT** of Augusta

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Correct the Registration of the Thornecrag-Stanton and Woodbury Sanctuary with the Department of Inland Fisheries and Wildlife"

S.P. 160 L.D. 372

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Senator **BERUBE** of Androscoggin,
Representative **ST. ONGE** of Greene and
Representative **ALIBERTI** of Lewiston

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide Funds for Family Support Services"

S.P. 144 L.D. 356

Presented by Senator **MATTHEWS** of Kennebec
Cosponsored by Speaker **MARTIN** of Eagle Lake

Bill "An Act to Provide Funds for Additional Adult Day Care Services"

S.P. 147 L.D. 359

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **GOODRIDGE** of
Pittsfield, Representative **TREAT** of Gardiner and
Senator **CONLEY** of Cumberland

Bill "An Act Regarding the Availability of Counseling Services in York County"

S.P. 155 L.D. 367

Presented by Senator **DUTREMBLE** of York

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide Advocacy for Children Involved with Abuse Investigations"

S.P. 148 L.D. 360

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **KETOVER** of
Portland, Representative **ERWIN** of Rumford and
Representative **TREAT** of Gardiner

Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

On motion by Senator **CLARK** of Cumberland, Tabled
1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Prohibit Drinking in Motor
Vehicles"

S.P. 137 L.D. 277

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **RICHARDSON** of
Portland

Bill "An Act Regarding Change of Name upon
Divorce or Annulment"

S.P. 140 L.D. 352

Presented by Senator **WEBSTER** of Franklin
Cosponsored by Senator **TITCOMB** of Cumberland,
Representative **MELENDY** of Rockland and Senator
HOLLOWAY of Lincoln

Bill "An Act to Amend the Definition of Sexual
Contact"

S.P. 142 L.D. 354

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Senator **BUSTIN** of Kennebec,
Representative **STEVENS** of Bangor and Senator
GAUVREAU of Androscoggin

Bill "An Act to Increase the Period of Suspension
for Persons Convicted of Operating under the
Influence"

S.P. 156 L.D. 368

Presented by Senator **WEBSTER** of Franklin

Which were referred to the Committee on **JUDICIARY**
and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Relating to Notice of Injury under
the Workers' Compensation Act"

S.P. 150 L.D. 362

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Senator **ESTY** of Cumberland,
Speaker **MARTIN** of Eagle Lake and Representative
McKEEN of Windham

Which was referred to the Committee on **LABOR** and
ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Create a Special Liquor License
for Certain Service Provider Organizations"
S.P. 136 L.D. 276

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **RICHARDSON** of
Portland

Bill "An Act to Amend the Requirements to Become
a Licensed Private Investigator"

S.P. 153 L.D. 365

Presented by Senator **CONLEY** of Cumberland

Which were referred to the Committee on **LEGAL**
AFFAIRS and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Ensure Adequate Stocking of
Washington County Atlantic Salmon Rivers"

S.P. 141 L.D. 353

Presented by Senator **VOSE** of Washington
Cosponsored by Representative **TOWNSEND** of
Eastport and Representative **LOOK** of Jonesboro

Which was referred to the Committee on **MARINE**
RESOURCES and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Clarify the Powers and Duties of
a Sheriff"

S.P. 143 L.D. 355

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Representative **DUFFY** of Bangor,
Representative **TARDY** of Palmyra and
Representative **STROUT** of Corinth

Bill "An Act Allowing Local Governments to Accept
Federal and State Funds" (Emergency)

S.P. 151 L.D. 363

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **GOULD** of Greenville

Bill "An Act to Repeal Legislative Salary and
Benefit Increases Granted in 1989"

S.P. 157 L.D. 369

Presented by Senator **SUMMERS** of Cumberland
Cosponsored by Senator **WEBSTER** of Franklin,
Representative **BENNETT** of Norway and Senator **RICH**
of Cumberland

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Exempt Service Retirement Benefit Payments to Veterans of the United States Armed Forces from the Maine State Income Tax"

S.P. 145 L.D. 357

Presented by Senator **BALDACCI** of Penobscot

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Facilitate the Prosecution of Drivers who Illegally Pass School Buses"

S.P. 138 L.D. 278

Presented by Senator **EMERSON** of Penobscot
Cosponsored by Representative **NORTON** of Winthrop
and Representative **CHONKO** of Topsham

Bill "An Act to Prohibit Retrofitted Lift Axles on 100,000-pound General Commodity Permit Vehicles"

S.P. 152 L.D. 364

Presented by Senator **TWITCHELL** of Oxford

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 80 L.D. 108

Senator **BERUBE** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **BERUBE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Over the weekend a constituent of mine shared with me a letter that her employer had received. Without naming the employer, it is a shoe manufacturer.

I would like to share with you the letter that was sent to this company. "You may be aware of recent legislation affecting the manufacture of footwear in the Caribbean basin. In the past, only uppers sewn in the Caribbean for final assembly in the United States qualified for duty breaks. Now complete shoes made from United States material can be imported from the Islands to the United States duty free. If you are looking to reduce costs in the increasingly competitive world market, you will want to look into the opportunities Jamaica free zones have to offer. The attractions for the footwear industry are many, including labor costs as low as forty-two cents an hour, and among the lowest shipping costs in the region. An abundant English speaking labor pool and local supervisors who are experienced in working with American manufacturers. Jamaica free zones offer perpetual tax holidays, prime location with immediate occupancy available. Adjacent to modern port facilities to speed your goods to the factory floor within hours of arrival. An on sight customs assistance with the benefit of the zones fifteen years service to manufacturing tenants at Jamaica's eminent business address".

And it goes on to suggest you can get in touch with this organization that solicits an out migration of our business community. I don't know how you feel, but frankly, I was offended that such tactics are being used. I know they are prevalent, used to induce our struggling industry, particularly the industry that is prevalent in my District, induce them to leave the State of Maine. Frankly, I am appalled, if that indeed is the case, and someone is researching it for me now, would lift the duty restrictions which only serve to encourage these defections.

Importantly, I feel so badly for the men and women of my District, who through loyalty, hard work, honesty, have managed to provide industry in my area and elsewhere with profits, making it profitable ventures. I feel powerless to prevent their livelihoods as more and more of these companies leave the State of Maine. I realize it is difficult to survive, many times in an often perceived, perhaps rightly or wrongly, anti-business climate that we read about in our paper. But none the less, it is the people who are losing their jobs.

I shared this letter with all of you, so that maybe through some collective effort on our part, we can seek similar innovative and creative ways that we employed to try at least, to balance our budget. That we employ the same energy, and resourcefulness, and persuasiveness that we find in order to protect our state jobs, and rightfully so, continue boards, commissions, whatever. I think that this practice of enticing companies away from the United States, although not uncommon, is not illegal, to my understanding, perhaps it should be, but maybe that we can give it the same attention that we give to so

many other programs and other groups of people, because if we don't, we will continue to erode the very source of tax revenue that we are so eager to tap. Without their jobs protected, there will be no revenue for our social service programs, and we will be expending an even greater amount in so-called training programs that often carry no guarantee of a job sometimes, except for those who are the providers. We will see larger numbers than the present 9.1% unemployment in my city that I read in the paper last week.

You know there is a French song, actually, it is a French-Canadian song that has a title, "Les 100,000 Facons de tuer un homme", "The One Hundred Thousand Ways of Killing a Man", and it goes on to give examples. The most dangerous is with a gun. The most honoring is with cannon on a battlefield. Hanging is gruesome and never assured, and one can even die of too much love, or too much laughter. But the surest way of killing a man, and the worst way of doing so, is to prevent him from working, by giving him money, to pay him to do nothing, because this only creates a city of walking dead. I equate the issue with that song, because if we continue to allow this to happen, we will indeed have people who will walk the streets and have nothing to do. Thank you.

Off Record Remarks

On motion by Senator **HOLLOWAY** of Lincoln,
ADJOURNED until Wednesday, February 6, 1991, at 10:00
in the morning.