

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
Monday
May 13, 1991

Senate called to Order by the President.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

REVEREND VICTOR STANLEY: Gracious God, on this glorious and beautiful spring day in Maine, we open our lives to make way for Your beauty and glory to enter and fulfill us. I thank You for these women and men who are called together here in this place, because of their concern for the people of Maine. God bless them, and God bless this grand State, the place we are fortunate to be able to call home. Amen.

Reading of the Journal of Thursday, May 9, 1991.

Senator CLARK of Cumberland requested and received leave of the Senate that elected members and appointed staff be allowed to remove their jackets for the remainder of the Session.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 693

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, May 16, 1991, at five o'clock in the afternoon.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Purchases of Alcohol from Agency Stores"

H.P. 91 L.D. 132
(C "A" H-155)

In Senate, April 29, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155) AS AMENDED BY HOUSE AMENDMENT "A" (H-294) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Compensate Landowners for Land Value Lost because of Wildlife Restrictions"
H.P. 1039 L.D. 1512

In House, April 16, 1991, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

In Senate, April 17, 1991, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

In House, April 18, 1991, that Body ADHERED.

In Senate, April 22, 1991, ADHERED.

RECALLED FROM THE LEGISLATIVE FILES pursuant to Joint Order H.P. 1236, in concurrence.

Comes from the House, REFERRED to the Committee on ENERGY AND NATURAL RESOURCES in NON-CONCURRENCE.

The Chair RULED NOT PROPERTY BEFORE THE BODY.

Sent down for concurrence.

Non-concurrent Matter

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

H.P. 1217 L.D. 1775

In House, May 6, 1991, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

In Senate, May 7, 1991, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-285)** in **NON-CONCURRENCE**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act to Prohibit Certain Banking Practices" (Emergency)
H.P. 1261 L.D. 1830

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 Allowing Zoning Boards of Appeal to Grant Dimensional Variances Based On Practical Difficulty"
H.P. 1263 L.D. 1832

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

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

Bill "An Act to Establish the Maine Human Development Foundation" (Emergency)
H.P. 1266 L.D. 1835

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 to Allow Municipalities to Establish Fees for Copies of Vital Records"
H.P. 1262 L.D. 1831

Committee on **STATE AND LOCAL GOVERNMENT** 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 Creating the Victims' Compensation Board"
H.P. 1265 L.D. 1834

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 Amend the Liquor Laws"
H.P. 1264 L.D. 1833

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.

COMMUNICATIONS

The Following Communication: S.P. 692

115TH MAINE LEGISLATURE

May 9, 1991

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on State & Local Government
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Howard Goldenfarb of Portland and Colin C. Hampton of Cape Elizabeth for reappointment to the Maine Court Facilities Authority.

Pursuant to Title 4, MRSA Section 1602, these nominations will require review by the Joint Standing Committee on State & Local Government and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Amend the Laws Concerning Transit District Services" (Emergency)

S.P. 690 L.D. 1836

Presented by Senator **SUMMERS** of Cumberland
Cosponsored by Senator **RICH** of Cumberland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Resolve, to Allow the Department of Marine Resources to Convey Land

S.P. 691 L.D. 1837

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Representative **HEINO** of Boothbay
Submitted by the Department of Marine Resources
pursuant to Joint Rule 24.

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on **BUSINESS LEGISLATION** Bill
"An Act Concerning Outdoor Advertising"
H.P. 894 L.D. 1291

From the Committee on **BUSINESS LEGISLATION** Bill
"An Act to License Installers of Milking Equipment"
H.P. 995 L.D. 1444

From the Committee on **HUMAN RESOURCES** Bill "An
Act to Ensure Smoke-free Areas in the Workplace"
H.P. 13 L.D. 16

From the Committee on **HUMAN RESOURCES** Bill "An
Act to Increase the Utilization of Supplemental
Security Income through Education and Outreach"
H.P. 1110 L.D. 1635

From the Committee on **HUMAN RESOURCES** Bill "An
Act to Provide a Juvenile Offender with a Continuum
of Services through the Department of Human Services"
H.P. 1158 L.D. 1699

From the Committee on **HUMAN RESOURCES** Bill "An
Act Concerning Bone Marrow Transplant Education"
H.P. 1169 L.D. 1710

From the Committee on **HUMAN RESOURCES** Resolve, to
Establish the Commission to Study Service Delivery
Systems for Children with Autism (Emergency)
H.P. 1170 L.D. 1711

From the Committee on **HUMAN RESOURCES** Bill "An
Act to Provide Improved Services for People with
Autism"
H.P. 1207 L.D. 1763

From the Committee on **JUDICIARY** Bill "An Act to
Keep Portions of Foster Parent Licensing Records
Confidential"
H.P. 808 L.D. 1162

From the Committee on **TAXATION** Bill "An Act to
Exempt Prosthetic Devices that Receive a State or
Federal Subsidy from the State Sales Tax"
H.P. 663 L.D. 942

From the Committee on **TAXATION** Bill "An Act to
Permit Municipalities the Option of Local Taxes"
H.P. 965 L.D. 1392

From the Committee on **TAXATION** Bill "An Act to
Provide a Local Option Income Tax to Municipalities"
H.P. 1037 L.D. 1510

Leave to Withdraw

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **BUSINESS LEGISLATION** Bill "An Act to Provide for Clean-burning Diesel Fuel" H.P. 1003 L.D. 1471

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Appropriate Funds for the Save Loring Committee" (Emergency) H.P. 1239 L.D. 1805

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**.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do not rise easily tonight to ask the Senate to examine this piece of legislation that is before it. I understand like many other here what Loring Air Force Base means to Aroostook County. I know that Base means a lot by way of jobs, economic development, and monies for the very people who live in that county. I join the rest of the Senate in unanimously supporting the Resolution that was before us last Thursday, Memorializing the President to keep Loring Air Force Base open. What I object to in this Bill, which calls for the Legislature to appropriate \$50,000 in new monies to a Committee which is called "Save the Loring Committee", is the process that was used whereby this money came to that Committee, or would go to that Committee, and also, exactly what those monies would be spent on.

As we were debating a Budget Bill last week, cutting 77 million dollars in funds, taking money away from our Teachers Retirement System, deferring money in the form of local aid to our school systems, mandating that state employees who work in some of our most dangerous institutions go to work without pay, a meeting was called down at the other end of the hall by the State and Local Government Committee to deal with this Bill. There was no Public Hearing associated with it, none whatsoever. I don't think that the Chairs actually knew that the Committee meeting was even occurring, or that they were told it was going to happen. And when they got down there, the Bill miraculously popped out. Everybody was in unanimous support for spending these new monies, which is my understanding it was talked about in our Caucus, and would go to pay some consultants from Washington, D.C., to lobby on behalf of Loring Air Force Base.

Apparently, the message is not getting around to people here that we are in a crisis. Some people think "business as usual" should go on. I think that it is wrong. I would not stand up here unless I didn't think it was wrong, that this process would be used in this way to appropriate these monies. It is just not fair to send this money out-of-state to somebody to lobby for a Bill when you are not going to pay your own employees who are working in a state prison at the rate of \$7 an hour or more. I don't think that we should be asked, and the citizens of this state should be asked, to spend \$50,000 in new monies for that type of service, particularly, when it is done with a midnight meeting, and not done in the regular process, or done in the way that we do things around here, which is by Public Hearing, with public input. I think that the merits of this Bill need to be examined, also. I wouldn't have any problem giving \$50,000 to the people who have been effected by that flood in Aroostook County. What troubles me is spending \$50,000 on consultants in Washington, when we have two of the most powerful U.S. Senators in the country down there to advocate for us. We have a Congresswoman who has been there for going on twelve years, and should be able to do something for us. Why should we have to pay \$50,000 to someone, who I understand is a retired General, and who is going to lobby an Administrative Body on behalf of the State of Maine? I really have to question whether expenditure of those types of monies at a time like this is wise.

For all of those reasons I oppose this measure, and I would ask, Mr. President, that we have a Roll Call. Thank you.

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

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

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. I stand before you today to urge you to vote in support of this Bill. I am sure that you realize the importance of Loring to Aroostook County. Aroostook County needs Loring. We need it for economic reasons. I think that you should know that we have a large number of people that work at Loring. It will effect, essentially, about nine thousand people, directly or indirectly, of those that work at Loring. Also, it puts into the economy something about \$300 million a year. I don't want us to be short sighted to think that it is strictly for Aroostook County. You know what happens to money, it rolls over, and a lot of this finds its way down to Central Maine and Southern Maine. And in addition to that, we have a lot of civilians who are stationed at Loring that are from areas other than Aroostook County.

It is estimated that we need something like \$250,000 in the defense of Loring. We have raised some money so far, but we haven't reached that goal. There is a strong possibility that Loring could remain open. If we use the assets that we have, compared to other states, we have a lot going for us. We have a couple of Senators who are very influential. One is the Majority Leader of the Senate, the other one is a member of the Armed

Services Committee. We also have a Representative who is on the Armed Forces Committee. I suspect that the President must have a soft spot in his heart for Maine. I am sure that he knows about Maine, and I would suspect that he would look at this favorably. But, we cannot assume that this will happen automatically.

It has been mentioned that we hire consultants from Washington, D.C., to lobby for us, and it just so happens that the individual that has been hired is a Retired Air Force General, who is familiar with Loring, and more importantly, the individual knows his way around Washington, he knows the people who will be making the decision, and I think it was a very wise thing for the "Save Loring Committee" to hire that particular individual to lobby for us. You know how the lobby works, we see it here everyday. And a lobbyist that we know is always more effective than one that we do not know, so that should work in our favor.

Also, in recent years, there has been a substantial amount of money that has been spent on Loring. For example, they built a brand new 37 million dollar hospital which has been open for the last two years. In addition to that, they built a parallel runway to the existing one. That was a rather expensive investment, but was necessary for the defense of the country at the time, and I still believe that it is valid today. We have, also, a very experienced Committee, the "Save Loring Committee", that is working on this, and that should really be helpful. I am glad that so far we haven't really discussed the relative military value of Loring, I don't think that any of us here are qualified to do that, and I am glad that we are not going to be discussing that. In addition to that, I feel that whatever is said here today could indirectly have an effect on the final decision made in Washington. So I would urge you to think about that as you are debating the issue.

Now I am coming to the meat of my presentation. I have been in this Legislature eleven years. Many times I have been called upon to help other parts of the state, and every single time I stood there shoulder to shoulder with whoever it was to assist you with your economic problems. I think if you remember, and you think about it, that it was a rare occasion, as a matter of fact, so rare I don't ever remember standing up asking for anything from this Legislature to assist us. Well, today I am.

I would like to mention some of the things that I took part of in the past in helping this state. Let's begin in 1977, Pratt and Whitney in North Berwick, we were there, we assisted Pratt and Whitney with investment tax credits. I voted for that. The Bath Iron Works Dry Dock in Portland, the state authorized a \$5 million bond for the construction of the dry dock. In 1985, Keyes Fiber in Waterville, the state authorized a pilot program and studied to develop long-term policy for addressing the effects of rising electricity rates on manufacturing, and then FAME came around with an industrial stability fund of \$900,000. In addition to that, the state phased out the sales and use tax on energy used in manufacturing, which has an impact of \$756,000 in 1990, and in 1991, \$870,000, and in 1992, 1.5 million, and in 1993, 1.6 million dollars. The Bar

Harbor Airlines in Bangor, we came up with \$258,000 to assist them. Healthtex in Portland, the state funded reemployment and retraining opportunities for laid off Healthtex workers, cost of the program, \$200,000. And John Roberts, Inc. in Biddeford, FAME guaranteed loans of \$350,000. And you are questioning my \$50,000, which is actually worth millions to this state if we raise our sights a little! That is certainly not very good thinking in my opinion. I urge you to vote in support of this Bill. Loring is important to Aroostook County, it is important to Maine, and it is also important to the rest of the nation. I hope for this one time that I stand to ask for assistance for my part of the state, that you will do what I have done in the past and vote "yes". Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. This evening I don't wish to debate the concerns that the good Senator from Cumberland, Senator Conley, has raised. I think that his prime concern had to do with the methodology that brought about this Bill. Since I happened to have been here the time before when a rather similar Bill was introduced, I can tell you, perhaps, some of the similarities and some of the differences. In 1976, there was an announcement that Loring Air Force Base was on a closure list, but there was a period of time involved in which we could respond to that. As a matter of fact, the announcement was made in 1976, and in 1977 there was a Bill before this Legislature in the exact same amount of \$50,000 before the Appropriations Committee. There was a full blown Hearing, there was testimony from all over the state, and that Legislature, in due course, approved that Bill. And to make a long story short, by 1979, we had completed our mission, we were removed from their list, and Loring went on its merry way.

Now since that time, the ball game has changed. We are on a fast, fast track with regard to Base closures. Essentially, we have one opportunity to get Loring removed from that list, and that must be done between now and July. Now, if the powers that be, perhaps, pushed this Bill too fast, I apologize, but nevertheless, we ask for your support. My good friend, the Senator from Aroostook, Senator Theriault, indicated that this was probably going to cost a total of \$250,000. And incidentally, that information came to us from the two Senators in the Congress, so that the rest of us in Aroostook County, in the private sector, and in local government, will contribute the major part of the cost for this endeavor. If we get \$50,000 from the State of Maine, that will be a great help, and we thank you for it. We are very much aware of the present economic circumstances of the State of Maine, and I can tell you that I wish that we were not before you asking for any money at all. We will have raised from private sources in Aroostook County, about \$100,000. We will raise from the County of Aroostook and municipal government, about another \$100,000, so that with this \$50,000, we will have enough money to do the job. Now it has been suggested that we are going to use this money to hire expert witnesses from Washington, or in Washington, and that is true in part, we will, it is part of the game plan. We have

to have a military expert to make a case for the strategic importance of continuing Loring Air Force Base. Those of us who are not competent to argue that case must depend on someone that is acceptable to make that argument. I would also tell you that our prime attorney lobbyist is a State of Maine firm, and they will do a lot of the work as they did in 1977 and 1978. In fact, that firm has been at work on a standby position for the past six or eight weeks, and they have developed a great deal of expertise because it is the second time around, and they know the things that are required.

I would like to point out to you some of the other things about Loring Air Force Base. Senator Theriault, the Senator from Aroostook, indicated that lots of money had been spent there recently, and he was absolutely correct. During the past five or six years, I suspect, close to 300 million dollars has been spent on that Base to bring it up to snuff. A new runway, refueling facilities, dormitories, the upgrading of family housing, and the list goes on and on. We think that the physical plant of Loring Air Force Base is in tip top shape. One of the other concerns of the criteria that are used, we fare very well on almost every single item, except the item that somebody else has to tell us about, which is of strategic importance. For example, they are concerned about the environmental impact. They have acknowledged that of all the Bases that are identified for closure, the economic impact is worse than any other scenario for the Loring Air Force Base in the State of Maine.

Recently, our Troops at Loring participated in the Persian Gulf Campaign. We sent B-52's over there, we used C-135 Tankers, and they all came back with high marks. We were very proud of that Unit. In fact, we were caught short on this whole thing because we were aware of high regard that the Air Force had with Loring, the fact that they used them in this major Military Operation, that they had spent all this money to improve the facilities, and we had no idea that there would be a closure of that Base. As a matter of fact, I have to tell you that we suspected that the Naval Air Station in Brunswick would probably be on the hit list. They were not. We were.

There are those that have suggested that we ought not concern ourselves with the closing of this facility, but be looking for bigger and better uses of that Base. And I say to them that if we fail, we certainly will do that, but we ought not to do that first, because we are not ready to accept that yet. We think that we have at least a fifty/fifty chance of making our case, and we want that opportunity. If we were to redevelop that ten thousand acres of Loring Air Force Base for other purposes, it would take from five to fifteen years to accomplish that. In time, that may be something that will have to be done. But to those who suggest that we turn our efforts immediately there, I say to you, you are wrong! We have an opportunity to bring this back to life, we cannot possibly put anything in place with the economic capacity that Loring Air Force Base has in any reasonable amount of time. So, I join with my colleagues in Aroostook and Northern Maine, asking you to support this legislation. I regret very much that it does not meet the criteria for the hearing of Bills in the usual fashion, but this is an unusual

situation, it is fast tracking, it needs to be done quickly, and I hope that you can support this Bill. Thank you Mr. President.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is difficult, indeed, for me to rise this evening having heard the eloquent speeches of my colleagues to my left and my right, the good Senators from Aroostook, Senators Collins and Theriault. In fact, the people of that region are well served by Senators of such articulation. I very much respect and applaud the members of the Aroostook County Legislative Delegation who are advocating to maintain an economic life blood of the Aroostook County Region in the form of Loring Air Force Base. But, I feel that I must rise this evening to explain my vote on this matter, and I will be voting against the Adoption of the Committee Report.

I have concerns, as I think many of us do, as to the procedures that were used in advancing this Bill through the legislative process. The Record should reflect that today is the thirteenth day of May, and that we have at least three weeks, if not more, of our Legislative session before we adjourn. Yes, this is a matter of significance at this moment, but we have time, in fact, I think we have a responsibility to all people of the State of Maine to allow the ordinary legislative process to run their natural course, have a Public Hearing, to hear from the people of the State of Maine whether or not in this time of acute financial trouble that we should be spending \$50,000 of the taxpayers dollars to mount a lobbying campaign. I certainly applaud the citizens of Aroostook County, I applaud the business persons of that county who are attributing some \$200,000 towards this lobbying campaign. And I suspect, as many of you do in this Chamber, that they might be able to raise even more than \$200,000 were the need to arise.

I have on prior occasions expressed my concern as far as the irrational allocation of limited federal dollars to help the people of our country, and I don't want to bore you tonight with that presentation. But looking closer to home from Room 221, the States Appropriation Committee, I find that we will be cutting many essential programs which are currently helping the people of our state. As you know, the State of Maine is under a court order to rapidly transition the tenure of its mental health system. We are under a superior court consent decree, which requires us in a period of five years to finance, and develop, and establish a meaningful system of community mental health care. We not only have not taken the first step towards that system of mental health care, there is simply no money in the Governor's Budget to even begin to comply with the court order. The bad news does not stop there. The Governor's Budget calls for closing of facilities in Charleston and in Machias. We are closing prerelease centers in Hallowell and in Bangor. We will likely be closing courts of our state, denying citizens of our state the right to even the minimal access to vindicate their rights under state and federal law. For those less fortunate than us, we will be cutting, and cutting severely AFDC benefits. We will be

cutting programs in their entirety for people who have developmental or physical disabilities such as head injuries. We all know that with the downturn in the state economy, and the plummeting financial situation facing our state, we will be forced to cut many times over. We have already revised our Budget efforts estimates four times in the past year. As my good friend and seatmate, the Senator from Aroostook, Senator Collins said, "These are not ordinary times". On that we certainly do agree. We should be more careful than ever in spending what little of the taxpayers dollars that we have available to us to meet the incredible human need that we face in our state.

As you know, I am currently serving as Senate Chair on the Committee on Judiciary, but in past years I have had the privilege of serving as the Senate Chair of the Committee on Human Resources. I really do view myself as advocating for people who are in need. Although I represent Senate District 23 in the City of Lewiston, my concern is also those who rely upon essential state services. Everyone of us in this room knows we will not be addressing the needs of the thousands of Maine people in this biennial cycle. We have already cut off thousands of Mainers from eligibility for basic minimal health care services. We are in session now, it is 5:45, and when we adjourn our session for the evening, I will go back to my Committee room, I am serving on a Task Force which is restructuring AFDC. Tomorrow morning I will come in at 8:00 in the morning and restructure AFDC. So yes, I know all too well the toll in human lives in which our Budget crisis is exacting on Maine people.

Now I am not, after nine years of service in the Maine Legislature, totally politically naive. I understand the political configuration in the Maine Legislature, and I understand the very real and very emotional plea which has been made so eloquently tonight by the good Senators from Aroostook. And yet, I think it will be basically wrong for us to appropriate limited taxpayers dollars to what is essentially a lobbying effort. As my colleague from Cumberland County, Senator Conley has pointed out, Maine is blessed with two superlative federal Senators, and a ranking member on the Armed Forces Committee in the House representing the Second Congressional District.

As I think back to last week, I believe that this issue was addressed during the evening that we discussed the Budget, but I am not sure Mr. President, because it was a fairly long evening, indeed. I recall the good Senator from Aroostook, Senator Collins, intoned to what the prodigal Congress had adopted several years back was designed to get politics out of the Military Base issue. Frankly, I thought that was rather a good idea, because we have done rather a dismal job for the last forty years in this country closing Military Bases, but that really is another issue. I certainly do not claim to have any knowledge as to the appropriateness or efficacy of closing Loring Air Force Base. But there has to be some mechanism to go forth if we are going to get about the very painful task of reallocating limited federal resources so that we can, hopefully, in my life time address the unmet domestic agenda. I am beginning to wonder if we are going to address that agenda at all!

I submit to you that with the quality of federal Legislators that we have from the State of Maine, and with the significant lobbying campaign, I am sure that the advocates from Aroostook County can maintain, along with the unanimous support of this Legislature, in memorializing our President and Congress to reconsider the action regarding the closure of Loring Air Force Base. I believe that those measures are reasonable under the circumstances. You know, if we spend \$50,000 in mental health programs we will reach, we will touch, we will help someone, we know that to be a certainty. No, we will not reach many others who need services, but we know that we will reach some people. There is no assurance. I have not heard one bit of evidence that the \$50,000 of taxpayers money we are asking to use tonight will help one soul. It might, on the other hand, or it simply might not. It may simply have superlative experts, or superlative witnesses in a lobbying campaign. For all of these reasons, given the manner of which this Bill has gone through the legislative process, and given the acute financial stress the state finds itself in, I will be voting tonight, along with my colleague from Cumberland, Senator Conley, to urge you to vote against the prevailing motion which is Acceptance of the Committee Report. Thank you.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise tonight in reluctant opposition to this Bill as it was printed and sent forth without a Committee Hearing. I have some real problems with the way that this Bill entered into the legislative process, because it could have given the Legislature an opportunity to have a proper Public Hearing, to talk about a full scope of the peace dividend on Maine's defense industries.

I also have difficulty, because there is a very limited scope in this Bill dealing effectively with only Loring Air Force Base. We have a very interesting situation in Maine. My district felt the impact of the closure of Pease Air Force Base in Newington, New Hampshire, just four nautical miles from the coast of Maine on the Piscataquis River. The impact there was hundreds of civilian jobs, not thousands, but what we lost was a big chunk of money from the military that was pumped into the Maine and New Hampshire sea coast economy on an annual basis, and had been doing so since the early 1950's. The Pease closure was the first casualty of the defense realignment. That caught quite a few people off guard because of the powerful Senators from New Hampshire, the powerful Senators from Maine, and the fact that the President flies into Pease Air Force Base when he comes to Kennebunkport for his visits, which have been more frequent visits in recent years. And then we got word at the end of last summer that the Kittery Ship Yard was going to see significant layoffs. And, in fact, when the Loring announcement came out in April, tied onto that was a phase down of the Portsmouth Naval Ship Yard, from which was a year ago an 8,500 person work force, to be scaled down to about 5,000 in the year 1995, with eventual closure in the early years 2000-2001. The Kittery Ship Yard is in competition with two other ship yards, Norfolk and Charleston. In both of those

facilities we saw tens of millions of dollars being sunk into those facilities for upgrading, and maintenance, and new facilities. In fact, the Portsmouth Naval Ship Yard received about 40 million dollars for an overhaul and enclosure of its dry dock, which would potentially no longer be in use by the year 2000-2001, at least not for defense overhauls of submarines.

While I suggest to you this evening that this Bill could have opened up the real scope of the problem of defense realignment impacts on the State of Maine, we are seeing three phases. Pease and the ship yard in my District are Phase I. There are closures, there are layoffs that have a devastating effect on our economy, and we are now looking for assistance from the state and the federal government to turn that around. As Pease gets reused, we also need to be talking about diversification and conversion options for the ship yard. Well, everyone thought Brunswick Naval Air Station would be Phase II, they thought they were going to be the ones on the hit list in April. Instead, Phase II was Loring, but Brunswick is out there, also. It doesn't have an assured future. What is also interesting, is that back in September the Governor created a task force on defense realignment impacts, not only for the major Bases adjacent to our borders, but also for private contractors that depend upon Military contracts. And that Defense Realignment Task Force was supposed to come out with a report in early March. There are some draft copies floating around somewhere, I have yet to get a hand on one myself. That report isn't ready yet, and I think that if this Bill had been given a proper Hearing before the State and Local Government Committee, we would have had some answers as to why the Executive Branch has been dragging its feet on this report. What are the recommendations of that report? What are the actions that the State Planning Office and the Department of Economic and Community Development going to be as far as looking out for Maine citizens who are being adversely impacted upon?

I would hope that if this is not defeated tonight, and proceeds through the process, that my fellow Senators from Aroostook, Cumberland and Sagadahoc, the Senators that are concerned about what those Base closures are going to be, will join with me so that we can take a look at the total picture and how it effects the State of Maine. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have very short, very concise comments to make in regards to this piece of legislation. I share the concerns of the good Senator from Cumberland, Senator Conley, with the process and procedure of this Bill, and I think that is a concern. This whole session seems to have been just compressed into a very short period of time for legislation outside of the Budget, and that is very unfortunate. The problem that I have with the substance of the comments in opposition to the legislation is, that where in the past there have been a lot of things that passed with future costs and undisclosed amounts that were going to be entailed, this expenditure is up front. It is not paying for a lobbyist, it is paying for the skill and

knowledge of somebody to be able to present to an independent Commission. It isn't so much dependent upon the power of the Senators involved or the Congress people, but it is going to an independent Commission which has to have the facts, as much politics aside as possible to be able to convince them that it doesn't make either Military or economic sense to close that Base. This is the best expenditure of funds in the Budget, because it at least gives an opportunity to a tremendous amount of sales and income tax dollars to the General Fund, to explain to the AFDC recipient, to explain to the people who are going to need court appointed attorneys, to explain to the people that need either energy assistance, or whatever else, that because if this does close, there is going to be a tremendous economic impact negative to this state, and it is very important that not occur, and we try as best we can to fight the fight, and we stand in support of the good Senators from Aroostook and their colleagues and stand behind them.

I do object to saying that everybody else has been at the table and we should have our turn. I think that more importantly this is good legislation because it is up front, and saying the cost involved in paying for it. It is not paying for lobbyist, it is paying for the technical expertise to present to the Commission. It is an independent Commission that is very important. It is good legislation in that fact, and it is having a Hearing here and not in the midnight hour of the last day of the session before we go home. But there was a process question, and I agree with the good Senator from Cumberland, but hopefully, we can see it to support it, because it makes both economic and Military sense. Thank you Mr. President.

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

Senator **LUDWIG:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You have listened to many serious and eloquent speeches here tonight on the subject of the proposed closing of Loring, and what our responsibility as State Legislators should be in addressing the problem of trying to get it off the hit list. I am not going to repeat what has to be said, I am generally a person of few words. I do thank the two Senators from Aroostook who have already spoken, Senators Theriault and Collins, because I think that they made a very good case for Loring Air Force Base. And I would especially like to thank the good Senator from Penobscot, Senator Baldacci, for trying to put this into prospective, and to help people realize that this is not just a matter of the economy in Aroostook County, but it is something that impacts the economy of the whole state. And I think that it should effect the conscience of the whole state.

I was not here when some of the other large industries that were in trouble were helped by the entire Legislature to get them over a hump, to give them another chance to come back and provide payrolls and products to our economy. I sincerely hope that had it been Brunswick rather than Loring, I would be standing here tonight to say that I think we owe something that has been so important to our economy one more chance, and the amount that the Legislature kicks in might be just what we need to make our case,

because we don't think the Committee had all the facts, or that they were aware of the Military importance of this Base as much as they should have been, certainly the economic impact goes without saying. But, I intend to vote for the pending motion and I hope that you will join me tonight. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know people are starting to look at the clock, and wondering if we are going to get beyond this, I want to assure the members of this Body that if I didn't believe that there was a principle at stake here, I would not ask the Body to consider this issue.

I am not standing before this Body arguing whether Loring should be closed or stay open. I think that it should stay open, I hope that it will stay open. Bases are going to stay open across this country, and I am sure that the people from that area, as well as people who are knowledgeable about issues in this area, will make a good case for Loring. When the good Senator from Aroostook, Senator Ludwig, talks about the conscience of the state, I have to rise again, because I have to tell this Body a little story about some people from my area, and if I were from Aroostook, I would be fighting for my constituents.

The good Senator from Cumberland, Senator Brannigan and I, sat in a meeting two weeks ago, with about thirty people, who had been told by the State of Maine, and had written documentation in the forms of letters, and people from the Appropriations Committee will be familiar with this, the state wanted them to build a building in Portland to house the Department of Human Services. Now, this issue should also ring true for people from Aroostook, and those who are involved with the City of Presque Isle. People from my area, and Senator Brannigan would confirm this, went out and secured financing in the amount close to a million dollars. Sitting around this table were laborers, drafts people, surveyors, architects, and a developer, who are now on the hook for close to a million dollars. They are out those monies. The state now says that we don't need the building. They have gone and done all this preliminary work based on the good faith and credit of the State of Maine, that they would back up those letters that they got. The conscience of the State of Maine should have paid those people money for the work that they had done.

And while I was sitting here I was thinking, could you imagine, if during the course of last weeks debate on the Budget, I got up and said, "I am going to be calling a meeting up in Human Resources, and I would like the members of State and Local Government, and could someone go down the hall and notify the House members to meet me up there, because I have a little Bill here to dip into the \$700,000 make believe cushion that we have, to pay the people who worked on that project". Well, they would have called the Chief of Police over here, and security, and come over with a straight jacket for me! They would have thought I was out of my mind! What it shows you is that it matters who is who around here, and who is working for their constituents. I am

trying to work for my constituents. And everybody else is here to make sure that people are treated fairly. That is why process is as important as whatever the merits might be on this Bill, or any other Bill. If people want to change the way things are done around here, than we had better start changing! Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel for what the good Senator from Cumberland, Senator Conley, is saying about what happened to his constituents, and if he would have a Bill before this Body this evening to require the state to reimburse his people, just like my people in my part of the county that were involved in the same thing, I would probably vote for it, too, because I don't think that is the way the state should be conducting business, and I hope that someone will come up with a Bill that will address that way of doing business.

I have listened to some of the words spoken by my other colleagues, and I would like to address what the good Senator from York, Senator Estes, mentioned about his part of the country. I can understand the impact that it has on his part of the country, but there is one major difference between his part of the country and my part of the country. His is located in the industrial center of New England; Maine, New Hampshire, Massachusetts. His people can find a job within commuting distance of probably another job. My people in Aroostook don't have that luxury. As a matter of fact, we are so far north that everything is south of us. Consequently, we have only one direction to go, and you know I live three hundred miles from the Capitol. Where would my people have to go to replace those jobs? They just don't exist. There is nothing else that they could do. We have farms, and we have logging, and even those are not very stable right now. There is no way that we could absorb 10,000 people that are effected directly or indirectly by this Base closing.

Just some quick figuring, you know we are talking about \$50,000 here in the hopes of saving a 300 hundred million dollar business, if you want to call it that, in Maine. Can you imagine how many AFDC checks that would generate, like the good Senator from Cumberland, Senator Conley mentioned? If we rolled that money over three times, that is nearly a billion dollars, and figure it out at a 5% sales tax, that would generate between 45 and 50 million dollars a year. I think it is a good investment to invest \$50,000 to recoup that kind of money for the state. How much is that per year? Think of it over a period of ten years, how much money is that worth to the state? I think we are being short sighted if we don't consider that. To me, that is an outstanding investment if we have at least a fifty/fifty chance of winning. So, I hope that you would support this Bill and send it on its way. Thank you.

Off Record Remarks

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have listened carefully, despite processing a number of items on our Calender this early evening, to the words of my colleagues here in this Senate Chamber relative to the passage of this item. And I would only share with you that I acknowledge that people are experiencing some frustration, and even impatience with the process that occurs within these Chambers relative to certain pieces of legislation. And I acknowledge and own that impatience and/or frustration, and think that it is valid.

But, I would share with you also the relief that was experienced by constituents in the area that is served by Senate District 26, in which is located the Brunswick Naval Air Station, and share with you proudly, both north and south, that in the public proclamations and reactions to the relieve experienced by members of our communities in the mid-coast area of the State of Maine, that there relief was expressed in short sentences, but coupled with concern for the impact that the decision relative to the closure of Loring would have. And while I cannot quote, I can paraphrase, "Yes, we are happy here in Brunswick, but we are very concerned about our friends in northern Maine". And of all the allegations and statements that have been shared with us this evening on this item, I hope we haven't polarized members of this Senate into another issue that divides us north and south, for those who experienced relief in the southern end of the state, relative to their status, were very quick to express their support and their empathy with our friends in northern Maine, relative to Loring. I think that you will find that reflected in the vote here this evening. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the **UGHT TO PASS** Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **MCCORMICK** of Kennebec who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator **ESTY** of Cumberland who would have voted **YEA**.

Senator **ESTES** of York who would have voted **NAY** requested and received leave of the Senate to pair his vote with Senator **CLEVELAND** of Androscoggin who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, CAHILL, CARPENTER, CLARK, COLLINS, DUTREMBLE, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **CONLEY, GAUVREAU**

ABSENT: Senators **BUSTIN, PEARSON**

PAIRED: Senators **CLEVELAND, ESTES, ESTY, MCCORMICK**

27 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, the **UGHT TO PASS** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning Overboard Discharge Inspection Fees"

H.P. 299 L.D. 420

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-256)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-256) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision"

H.P. 407 L.D. 590

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-257)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-257) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-257), in concurrence.

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Improve Energy Efficiency in Buildings"

H.P. 561 L.D. 804

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-218)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-218) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Reduce Littering"

H.P. 909 L.D. 1306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-255)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

Which Report was **READ**.

On motion by Senator **BALDACCI** of Penobscot, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Committee Report, in concurrence.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Authorize Involvement of the Department of Human Services in Providing School-based Child Care" .
H.P. 959 L.D. 1386

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit the Breaking of Glass Products in Games of Skill"

H.P. 880 L.D. 1271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-246)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-246) AS AMENDED BY HOUSE AMENDMENT "A" (H-265)**, thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-246) **READ**.

Senator **WEBSTER** of Franklin moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill comes from the Legal Affairs Committee as a unanimous Ought To Pass As Amended Report. It deals with the breaking of glass objects in games of skill. It was felt that since the State of Maine has moved forward with recycling of materials, that to have objects that are broken such as glass in the games of skill, should not be allowed any more in this state. This Bill had no one testifying against it, it is a unanimous Report of the Committee of Legal Affairs, and I hope that you will support it. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the kind of legislation that you often read about in the editorial pages as we are dealing with major significant matters here in the Senate and the House, trying to deal with budgetary problems and such. We have this meaningless little Bill in front of us that we are about to Enact, which places according to a statement of fact, a Class D crime, whatever that is, for people who break glass at the County Fair. It seems to me that this is a measure that is unnecessary, and should be Indefinitely Postponed.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to correct the good Senator from Franklin, Senator Webster, it has been amended, and it is a Class E crime. I would also like to request a Division. Thank you.

Senator **MILLS** of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A Division has been requested.

Will all of those in favor of the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

House Amendment "A" (H-265) to Committee Amendment "A" (H-246) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-246) as Amended by House Amendment "A" (H-265) thereto, **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Enhance the Filing of Documents in the Registry of Deeds"

H.P. 95 L.D. 136

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229) AS AMENDED BY HOUSE AMENDMENT "A" (H-286)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-229) **READ**.

House Amendment "A" (H-286) to Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-229) as Amended by House Amendment "A" (H-286) thereto, **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Prohibit the Installation of Electric Heating Systems" H.P. 271 L.D. 391

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-249) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize, I was slow on my feet this evening, but before we pass this Bill, there was some discussion among some of the members that I talked to this afternoon about what this particular piece of legislation does. And I would like to have someone from the Utilities Committee explain it to us and we can go on from there.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I can certainly understand the Senator from Sagadahoc, Senator Cahill's question, because the title is deceiving, because the intent now is not to prohibit the installation of electric heating systems. We threw that out, and we changed the title, and the Amendment now is, "An Act to Require Disclosure of Electric Space Heating Costs for Rental Units". Now it becomes a very fine Bill. What this Bill does, in essence, is require landlords who do, in fact, rent units with electric heat to disclose the heating costs for the preceding annual year, so that they would know when they rented what to expect, and that is really what the Bill does.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The concern that I have with this piece of legislation is House Amendment "A" (H-249), which says if the tenant is provided with incorrect information by the landlord, then the tenant has the right to sue the landlord, and may collect, if the landlord is found to be at fault, and may collect up to \$500 in fines, but must collect legal fees. And I would like to ask one of my colleagues from the legal profession, as I don't seem to recall a case where we say that if someone sues someone, that the other party may collect legal fees, and I was hoping that perhaps someone could enlighten me if that is something that we do regularly.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. In my capacity as Chair of the Judiciary Committee, I will attempt to respond to the question posed by the good Senator from Sagadahoc, Senator Cahill.

In this country we follow, quite obviously, the American rule on legal fees, which is, that ordinarily there are no legal fees awarded to either side. The prevailing party in the civil action will be entitled to receive his or her costs involved in litigation, which is usually service fees, cost of deposition, and what not, but no attorneys fees are allowed, unless, we have a statute that provides specifically to the contrary. And, in fact, I am interested in raising this issue because I was perusing other legislation that will come before the Body soon, and I say that there were some deviations from the unusual procedure when Legislatures or Congress does provide for attorneys fees. It is, in fact, discretionary with the court, and either side can ordinarily petition the court for an award of attorney's fees should it prevail on a particular issue before the court.

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

Senator **WEBSTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I request a

Ruling from the Chair as to whether Committee Amendment "A" (H-249) is germane to this Bill.

Tabled pending **RULING OF THE CHAIR**.

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Lubec Water and Electric District"

H.P. 858 L.D. 1224

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-250)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-250) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Restrict Unsolicited Computer-generated or Automated Telephone Calls"

H.P. 972 L.D. 1413

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-261)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-261) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Gray Water District" (Emergency)

H.P. 976 L.D. 1419

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-260)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-260)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-260) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Require Electric Utilities to Develop Proposals for Affordable Pricing for Low-income Residential Customers and for Financing Conversions from Electric Space Heat"

H.P. 983 L.D. 1428

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-252)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-252) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Define the Professional Responsibilities of Teachers"

H.P. 671 L.D. 970

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-244)**

Signed:

Senators:
ESTES of York
MCCORMICK of Kennebec

Representatives:

CROWLEY of Stockton Springs
NORTON of Winthrop
CAHILL of Mattawamkeag
OLIVER of Portland
PFEIFFER of Brunswick
O'GARA of Westbrook
BARTH of Bethel
AULT of Wayne
HANDY of Lewiston
O'DEA of Orono

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

Signed:

Senator:
BRAWN of Knox

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

Which Reports were **READ**.

On motion by Senator **ESTES** of York, the Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-244) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Increase Hunting Opportunity by Allowing Sunday Hunting in Unorganized Townships"

H.P. 962 L.D. 1389

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

Signed:

Senators:
MATTHEWS of Kennebec
TWITCHELL of Oxford
SUMMERS of Cumberland

Representatives:

CLARK of Millinocket
PAUL of Sanford
SWAZEY of Bucksport
JACQUES of Waterville
FARREN of Cherryfield
DUFFY of Bangor
TRACY of Rome
ROTONDI of Athens

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-258)**

Signed:

Representatives:

CARROLL of Southwest Harbor
GREENLAW of Standish

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Repeal the Law Relating to Monosodium Glutamate"

H.P. 220 L.D. 311

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

Signed:

Senators:

CONLEY of Cumberland
BOST of Penobscot

Representatives:

MANNING of Portland
GEAN of Alfred
GOODRIDGE of Pittsfield
TREAT of Gardiner
WENTWORTH of Arundel
CLARK of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

GILL of Cumberland

Representatives:

PENDLETON of Scarborough
DUPLESSIS of Old Town
PENDEXTER of Scarborough
SIMONDS of Cape Elizabeth

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

Which Reports were **READ**.

On motion by Senator **CONLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

Senate

Ought Not to Pass

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

Reported by Senator **MILLS** for the Committee on **LEGAL AFFAIRS** Bill "An Act Regarding Refurbishing Apartments After Damage by Fire" S.P. 602 L.D. 1606

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Provide a Sales Tax Exemption for Nonprofit Corporations Designed to Assist Handicapped Persons" S.P. 239 L.D. 630

Ought to Pass As Amended

Senator **TWITCHELL** for the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides" S.P. 519 L.D. 1397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-146)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-146) **READ** and **ADOPTED**.

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

Senator **SUMMERS** for the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Enhance the Trapping of Beaver" S.P. 535 L.D. 1424

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-145)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-145) **READ** and **ADOPTED**.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act Relating to the Finalization of Divorces"

S.P. 388 L.D. 1065

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-142).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-142) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BERUBE for the Committee on JUDICIARY on Bill "An Act to Allow the Suspension of Fines in Certain Cases"

S.P. 399 L.D. 1075

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-144).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-144) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOLLOWAY for the Committee on JUDICIARY on Bill "An Act to Exempt from Right-to-know Laws Information Contained in the Personnel File of Department of Corrections Employees"

S.P. 540 L.D. 1438

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-143).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-143) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System"

H.P. 1084 L.D. 1578

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Require Proof of Insurance in Order to Register an Automobile"

H.P. 16 L.D. 19
(C "A" H-240)

Bill "An Act to Promote Cranberry Cultivation in Maine" (Emergency)

H.P. 69 L.D. 97
(H "A" H-266 to C
"A" H-175)

Bill "An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws"

H.P. 577 L.D. 828
(C "A" H-242)

Bill "An Act to Assist the Expansion of Municipal Sewer Systems"

H.P. 781 L.D. 1113
(C "A" H-230; H "A"
H-259)

Bill "An Act to Clarify the Procedures of Local Boards of Appeal"

H.P. 832 L.D. 1198
(H "A" H-248)

Bill "An Act to Establish a Home-Release Monitoring Program for Certain Inmates Sentenced to County Jails"

H.P. 879 L.D. 1270
(C "A" H-243)

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

Bill "An Act to Prohibit the Charging of Rent in Advance by Landlords" (Emergency)

H.P. 370 L.D. 524
(C "A" H-245)

Which was **READ A SECOND TIME**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't want it to be known that I am the landlord guru this evening, but I have another question concerning a Bill about landlords, and that is on L.D. 524. There was discussion earlier today whether or not this particular piece of legislation included the University, and we were all of a different opinion whether it did or did not. The amendments that we read said that it did not, but I would like to have an explanation of this piece of legislation.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In the original Bill there was a question to whether or not it would include the University System, so we amended it to have it not include the University System. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. I would pose a further question along the same line. I wondered if the University System was exempt from it, how about private colleges and other schools that get their rental income up front the first semester, would they also be exempt from the Bill as it is written at the present time?

THE PRESIDENT: The Senator from Aroostook, Senator Collins, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I do not believe that the private colleges would be exempt, and what it does, it limits the rent that can be collected at one time to the rent for the month that is to come, so you can collect one months rent up front, but not more than one months rent.

The reason for the legislation, as I understood it, being briefly present in the Legal Affairs Committee during the Public Hearing, is that some landlords were trying to circumvent our Security

Deposit Law, believe it or not, they were actually trying to circumvent this law and collecting several months rent in advance. That is why the need for the law to assure our poorest, and generally it is the poorest in this state who rent, that they are not taken advantage of like that. And unfortunately, that is why we have another new law. If people would be kind to their neighbors, and treat them with respect, and treat them decently, we wouldn't have to have so many laws on the books!

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just quickly looked over Committee Amendment (H-245), and I have not seen where it makes any reference to the exemption for the University of Maine System. I wonder if I might be referred to where it does. Number two, it still seems to me that colleges in the private sector in schools will still have the problem of collecting the housing rent, if you will, which is generally for a whole semester, and probably would be for three months, and in some cases for a whole year, and I still fail to see how they are taken out of this particular legislation, and I would pursue a further answer, Mr. President.

THE PRESIDENT: The Senator from Aroostook, Senator Collins, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to make sure that everyone understands what the amendments to the Bill actually do. The amendments to the Bill, the reason why you don't see any exemption in there for private schools of the University, is that the amendments that were added to the Bill make it the same as the existing law. So if the University System or private college system is not currently bothered by the way our current landlord/tenant laws are, they would still stay the same, and that is why we don't see actual language in the amendment that says exemption of University of Maine or private schools. It just leaves the exemptions as already exists in the law, and this just effects non-college campuses. I hope that clears this up.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am sorry to have to pursue this, but our concern is if a private landlord is renting to a college student off campus, and requires in advance rent for that semester of college, would that landlord by exempt from this legislation?

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. That landlord would not be exempt, and unfortunately, it is just because of landlords in college towns why we have the Bill before us, because it was in a University community

in which this often happened, I am sorry to report. I am embarrassed for the landlord that would try to circumvent our Security Deposit Law.

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

Senator MILLS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not exactly clear as to the Senator from Sagadahoc, Senator Cahill's question. When you say our concern, who is our concern? Is it for the private universities, private colleges, or are you talking about the landlords themselves?

THE PRESIDENT: The Senator from Oxford, Senator Mills, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. To clarify my question, I guess I am concerned as a potential parent of a child that goes to school. In fact, a constituent of mine just came to me asking me a question over the weekend, and the question was that the landlord collects rent in advance, and sometimes the landlord asks that rent be paid throughout the summer. I happen to believe and understand that for many of these people, who perhaps are not slum landlords, are just simply trying to provide a place for students to stay during the semester, that this would pose a hardship when they have a commitment from college students to stay through the semester, and then those students drop out of school, or they decide they cannot afford to live on their own, or the parents decide that they cannot afford to have them live on their own, it seems to me that there should be some protection to see that they get their money.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. I would like to know if someone in the Committee could tell me, I happen to live in a college town, and I happen to own a few rents, and I have never had a problem with this, I wouldn't even think of asking for six months rent to circumvent any law. It seems that most people would have a lease, and that would probably cover it. Are we passing a law because of an isolated case, or is this a state wide problem? Was their a Hearing on this Bill, was it held in the Civic Center? Was it a big concern? Or are we passing a law because of some isolated case of some individual landlord, who probably is going to circumvent this law if he circumvented one before.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I was not planning to rise on this Bill. I am not a sponsor of this Bill, nor did I have an opportunity to appear before the Legal Affairs Committee when this had a Public Hearing. However, in answer to the good Senator from Franklin, Senator Webster, yes, there is a problem. Certainly there is not a problem in every hamlet in

this state, but there are areas, notably the area in which I come from, where there are landlords who are taking advantage on a consistent basis of their tenants. Not all of them are students. We shouldn't characterize this as a student versus landlord Bill. There are a number of people living in my area who are working people, who live in Orono, not to say that students are not working, but they are not typically gainfully employed, who are working and must put in place six months or more rent in advance. Unfortunately, not all the landlords are as scrupulous, as I am certain that the good Senator from Franklin, Senator Webster is.

Let me give you a good example of an issue that happened just this past winter. A rather large apartment building in Orono had an electrical fire, and the apartment house burned to the ground. All of tenants were displaced and had to find other apartments to live in, doubled and tripled up with some of their colleagues on and off campus. Most of those tenants had paid between five and six months rent in advance. That fire, I can't identify the precise time that it occurred, but that fire was somewhere in the early winter, and they are still waiting for their deposits. It is my understanding that they have been given no assurance from the landlord that they will, in fact, receive those deposits, even though they went and incurred considerable expense relocating. I don't need to tell you how devastating a fire can be for someone who loses all of their belongings. I don't believe that they were compensated for that either. This same landlord, I might add, when confronted with an initiative by the Student Legal Services at the University of Maine, to publish a directory of local landlords and the quality of their dwelling, etc., etc., threatened to sue the Student Legal Services if they published that. Unfortunately, Student Legal Services backed off publication of that manual.

One of the other problems, and this is something that has not yet been mentioned in the debate, there are a number of landlords, not all landlords, but there are a few in my area who not only require six months rent in advance, but they stagger that rent over a years period. In other words, if a student or an individual enters into a lease in January, they are required to pay January, March, May, July, September, and November's rent, thereby prohibiting them, although they can get out of their lease sometime mid-summer, it prohibits that individual from collecting on that other portion of the deposit that they have given the landlord. This practice goes on unchecked, and it seems to me that this Bill is a reasonable step. It references, "The security deposit in advance rent that exceeds the equivalent of three months rent". I think that is realistic, I think that would cover most of the landlords that are taking advantage of students and other people in my area.

And, although it may be a somewhat isolated example of abuse, it is therefore, nevertheless, something that we need to address here, and I certainly hope that we will pass this legislation. Thank you.

Which was **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate As Amended

Bill "An Act to Exempt Certain Persons from the Counselors Licensure Laws"

S.P. 357 L.D. 959
(C "A" S-140)

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

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS - from the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale"
H.P. 812 L.D. 1166

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

Minority - **Ought Not to Pass.**

Tabled - May 9, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 8, 1991, Reports **READ**.)

(In House, May 7, 1991, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **TITCOMB** of Cumberland moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Majority Report offers stores a choice to either use plastic, or paper bags, or both. As it now stands, a customer must now ask for plastic bags if he or she would like to have them. This Report allows the store to offer either or both, and the addition that I think that is extremely valuable, is that if the store offers plastic, they are required to have a recycling bin on site so that plastic can be more easily recycled.

This issue, frankly, came before our Committee, and I did not see it is as an issue that I was really going to be dragged to the plastic side of, and I found as the information came to our Committee, I found myself looking at it from a different prospective than I had in the past. It has become very apparent that we have in place a recycling for plastic bags, and it has been very successful. It is, as you know, in our two largest grocery chains in the state, it has expanded to other stores, and under this Bill, the Majority Report, the opportunity to recycle plastic would be ever more available. Plastic is 100% recyclable, and if we are going to look at the three "R's", reduce, reuse, and recycle, plastic appears to be the option, surprised as it may be to come from me, it appears to be the option. It is the most environmentally responsible. I did not feel that anyone who supports either of these Reports would be considered environmentally irresponsible or more responsible than the other. But, looking at all the other issues that were brought before us, the Majority of the Committee moved Ought To Pass As Amended, and I would ask for your support.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask you to oppose the Majority Ought To Pass Report and support the Minority Ought Not To Pass Report. When the vote is taken I ask for a Roll Call.

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you do vote against the pending motion, and I would like to tell you why.

Two years ago, the Maine Legislature rose to a crisis, and we did pass an integrated Solid Waste Management Law, a law that is working, it is truly working. Now, I am sure that it could be refined, it may not be absolutely perfect, but this particular part of the law is working very, very well. The current law, as of January 1, 1990, required all retailers in the state to use paper bags to bag products at the point of retail sale, unless, the consumer requests a plastic bag. We do not hear complaints about that law in general, and it is my understanding that when there came a call for a repeal of that law, that there were no regular consumers present at the Public Hearing, only the plastics industry wanted to see this law changed.

Often we are asked not change something. Sometimes we are asked to change something. And often we hear the phrase, "If it isn't broken, don't fix it". Well, in this case, I suggest, "If it is being fixed, why break it"? Why break the law? Why change it unnecessarily? And every day this particular portion of that law is being given an opportunity for voter approval, because Maine citizens can ask for a plastic bag instead of that paper bag, which is truly more recyclable and uses

renewable resources. But, the Maine citizens have cast their votes every day when they picked a paper bag, and they voted for paper. In fact, since 1990, Maine people have used 247 million less plastic bags for every paper bag that is now used, it counts for one and a half plastic bags that had been used. So I urge you to reject the pending motion, and support the Ought Not To Pass.

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

Senator **LUDWIG:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to add a few words to the present discussion, and let you know that this was a 10 to 3 Ought To Pass Report coming from the Energy and Natural Resources Committee, and that I was a member of the Committee two years ago when we voted and stayed very strong against the plastics industry so that we could stress the needs for plastic bags at the retail level.

A lot has happened since then, and what was once a poorly designed, not a real biodegradable plastic bag, has now been replaced with one which truly is recyclable. This has been proved to us, and indeed, it was not just members of the plastics industry who were before the Committee to plead their case, we had documented proof that at the retail level older citizens, especially, missed the plastic bags with their handles, because they are much easier to carry. When we wrote this change in the law, it was after a great deal of discussion, and we are still stressing the need to have it any place which offers both plastic and paper bags, a clearly marked disposal container which shows that this is for the recycling of plastic bags.

So I think that you will find that not only are we moderating our views as technology produces a better bag, but a recyclable product, which is one of the things that we have been aiming for, but we are going to make it easier in terms of weight. I think that you all received a cartoon here which shows the comparison of weights when you are transporting plastics and paper. Paper is a great deal heavier than plastic, and it does not degrade in a landfill. It can last for hundreds of years. Just a few facts to throw into the argument, 32% less fossil fuel is required to produce plastic bags than paper. Paper making and paper decomposition in landfill involves the release of dioxins. Plastic results in the release of 65% less sulfur dioxide, 84% less carbon dioxide, and 86% less dust. Paper bags in landfills do not degrade for hundreds of years. I am sure that you have heard about people who professionally research garbage, they have cores which reach down into the earth to bring up things that have been buried for thirty or more years, and they are finding that newspapers are still readable, and things of this sort if they have been denied oxygen and the other little juices that make things decompose.

I think you will find a great many things that went into our decision to make the plastic bag a choice at the point of sale, and also with the stipulation that the people are aware that the new bags are recyclable. I hope that you will consider this a sensible request from the Committee on Energy and Natural Resources.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am going to vote Ought Not To Pass on this Report. I believe that these are very nice facts, and I am sure that they are true, but there are facts that are not here. One of the main facts is, guess what it takes to manufacture plastic bags, oil. And guess what we are running out of, oil. And guess what we are not running out of, trees. This is a small fact that I think that we have to take into consideration.

The other fact is that nowhere in these set of facts does it talk about what is made of the plastic. I would like to pose a question through the Chair to the Senator from Cumberland, Senator Titcomb. What is being made of the plastic bags, and how much energy is expended in the recycling process? That is no where in this set of facts. You can have a fact to support anything that you want, but you don't need a weather man to know which way the wind blows, and it is not blowing through the trees in this Bill.

THE PRESIDENT: The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't have all the specific facts to all the questions that were asked, but I can tell you that the plastic bags are used to make new plastic bags. There are some other products that are made, but that is the primary reason the plastic bags are actually being called in by stores. I know that there has been a recent appeal by our two largest grocery store chains in the state to have people bring in more plastic bags, even if they come from other stores, they want them because the companies that are producing more plastic bags from them need them as a resource. So, I guess the whole issue comes down to this. If we use paper, granted we do cut down trees that are, in fact, replenishable, but we have skidders that go into the woods, and we have to use fuel in order to get those skidders into the woods, and the cutting down of the trees, and transporting them to where they are going to be made into paper, and the transporting of the paper to be made into bags, and then all the other transportation that is included.

In the very beginning I had mixed emotions on this issue. I went into this Hearing totally committed that paper bags were the correct approach. But, I will tell you, I have learned something being on this Committee, and that is that the old philosophies that we hold onto diligently sometimes need to be looked at a second or third time. Maybe there is more information that has not been presented that might temper our view, or temper the way that we see things, compared to the way we used to see them. Some of the specifics that were brought to us that I think are fairly verifiable when we are talking about transportation of plastic versus paper bags seems like a minor thing. But, when you look at the fact that in order to transport paper bags, you need six more trucks to transport the same amount of paper

bags as you do plastic. And I agree that paper is recyclable, but I don't know how many times that I have come home from the grocery store in a rain storm, or with wet products that I have bought, and they have soaked through the bag. As soon as that bag is wet, as soon as it goes to the landfill, or it goes to the dump, it is no longer recyclable. It does not become a resource, it becomes garbage. And we talked about the difference and waste as a resource. You can take plastic, even if it becomes wet and put it into a recycling process. It is 100% reuseable. A bag that is taken from a store and it is used for carrying your shoes to work, how many trips do you make carrying that plastic bag versus the plastic bag that you might use for a whole month, or a whole session up here? You could take your plastic bags into the local store, drop them off, and know that they are going to be 100% recycled.

A thousand paper grocery bags weigh a hundred and forty pounds. A thousand plastic grocery bags weigh nineteen pounds. We are talking about transportation. That is a weight reduction of 86%. A thousand paper grocery bags stand 46 inches high. A thousand plastic grocery bags stand 4 inches high. Looking at where they are stored in a retail outlet, not only is it more convenient, and I must tell you that I did not vote on this, the convenience, I voted on this because it made sense, but this truly is a positive. These volume and weight reductions mean that one load of plastic grocery bags replaces six truck loads of paper bags. These source reductions provide transportation and storage benefits in stores, houses, and in landfills, while improving the economics and incineration. Volume and weight reductions mean that one truck load of plastic merchandise bags, which is different than the grocery bags, replaces three truck loads of paper bags.

So when you do the figures, and I am not going to pretend that I have done all the figures myself, because I have not, I have looked at a lot of the information, and it appeared very apparent to me that the transportation and the creating of the paper bag, in fact, did use more resources than the transportation and creating of the plastic bag.

If we are committed to the three "R's", reduce, reuse, and recycle, than the plastic bag fits the bill. And again, it is not akin to what I always thought I would be standing up and testifying to, but I do believe looking into the future. It does make sense. It was not just the lobby, lobby did have merit in this, they did bring us information, but we did have a lot of input from a lot of other places. Like it or not, like plastic or not, and I really never have, plastic is here, and it is reuseable, and it does reduce the taking of natural resources from our environment. That is your judgment call to make if you think this is an option that you can go along with. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Because there are several absent members from the Senate, and we do not know what side those Senate members would like to vote, I will withdraw my request for a Roll Call for that reason only.

I just want to point out that of the two major super market retailers in the state, one of them is also offering five cents for each paper bag recycled. What we are missing here in this debate is a talk about how much recycling can occur on paper bags. They are very easily recyclable, and only very few would not be eligible for recycling, and one of the most positive things about it is, that they can be very easily recycled in the State of Maine. The law is working, and that is why at the Public Hearing, those that sought to change the law were only the plastic dealers and the plastic producers. They testified to change the bag law, but no average citizen spoke to change it, and I urge you to reject the pending motion, and not to break something that has been fixed.

Senator **KANY** of Kennebec requested and received leave of the Senate to withdraw her motion of a Roll Call.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This was a unanimous Senate Report on this particular matter with all three Senators on the same side of this particular issue. The fact is, that after going through the Public Hearing and attending the work session and everything, all of a sudden no one from the general public is represented. That is our job. There was nobody from the general public at the Public Hearing to oppose what was being done, there was no one from the general public in favor of what was being done. Hearings have been compressed together, we have been rushing around, we are there to do what is in the best interest of the public, and when we have the public screaming down our throat that they don't want a landfill here, they don't want a landfill there, and we have an opportunity to take something out of that cycle, and reduce what goes into the landfill, then I think, why look a gift horse in the mouth. This is a tremendous opportunity. There is a program here in the State of Maine that is going to be taking it under its wing and doing it, and the supermarkets and the grocery stores are getting involved in it tremendously.

I am not an environmental expert, but what I understand to be true is, that neither bags, plastic or paper, are the best environmentally. You should get a canvas bag of your own, and you should go into the grocery store with that canvas bag, fill it up and then go home. But, if you are going to have those bags, both of them, and you have recycling that takes it out of the wastestream, then we should vote for that. Thank you Mr. President.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am at a loss for words. We are sitting here in the same Senate that just voted to give \$50,000 out of money that we don't have, to benefit just one county economically, a county that also depends on the timber industry, and we have just heard about the wonders of the plastics industry, in which to my knowledge we do not have in this state. I am at a loss. I would think

that we would want to promote an industry that is a staple in this state, and balance that with the wonderful properties of plastic that we just heard tell about. I believe that this Bill is a short term solution that exasperates a long term problem. Yes, we have need of landfill space now, but if we use up our petroleum reserves in making a product that we can make with something else, we will not have that oil to heat our homes ten, twenty, or thirty years down the line. There is nothing that can replace that.

The point also made in the literature that we received from Lamey-Wellehan about the dioxins contained in paper bags, might I point out, that none of us like dioxins, but we are also working to lower and reduce the dioxins in the paper making process. So, God willing, we will have no more dioxins, if I had my way in one or two years, but, in certainly five or ten years. The other thing that I would like to bring out is that when plastics are burned in waste burning plants, they create toxins and gasses that go into the atmosphere that have not been dealt with in any of these literatures. In other words, all plastic bags are not taken neatly and stuffed into a recycling bin and made into a plastic 2 x 4 container, or another plastic bag, or whatever it is going to be made into. Many of them are burned, and are spilling forth toxins into the air that we breath. Wood does not spiel forth toxins into the air that we breath when it is burned. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the Energy and Natural Resources Committee. My question is, a lot has been mentioned about the business that is involved here in recycling plastic. I would like to know where that business is located and what Maine business that is? My second question would be, in recycling that is done by this business, how much is recycled? Are we talking about a 100% recycled product of these plastic bags? Lastly, this is just an observation, and it echoes the remarks of the good Senator from Kennebec, Senator McCormick, and the other good Senator from Kennebec, Senator Kany. This seems to stand on its head of all of the efforts that we have been trying, and I am really perplexed about what we are doing here. Thank you Mr. President.

THE PRESIDENT: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a couple of responses, number one, from all the research that we did, the only bags of paper that are produced in the State of Maine are potato bags, and I don't recall shopping recently and bringing my merchandise home in a potato bag. The plastic bags that are produced for retail are not produced in our state, and I am sorry if that was misunderstood, I did not intend that to be the message. The plastic bags are produced in two places that our primary grocery stores deal with, and one is in Canada and one is in New Hampshire. But as

I said, the paper bags are also not produced in the State of Maine.

But, there are a couple of other issues here. Serving on the Energy and Natural Resources Committee, one of the concerns we most frequently hear from the citizens of Maine is the whole issue of the cutting of trees, of the stripping of our forests in northern Maine. And to those people that have traveled that area, you find out that sometimes there are no woods, that they have been flatted down, and it looks like a tornado came through, and there is nothing left but the scrub of where the trees have been stripped down. And just so that you don't misunderstand, it takes a great deal of petroleum to produce plastic bags. And much testimony indicated that, in fact, it probably took more petroleum to produce paper bags than it does to produce plastic, because of the whole production process. The simple fact is, that we have got a commitment to try to reduce the waste stream, to try to reuse what resources we have in our product stream, and try to recycle. It is not that we are going to take paper out of the product stream, but we are going to allow a store to make the decision if they would like to only use paper, only plastic, or both. The only difference from the way it was before, is that the store has the option, and the other difference is, that the store is required to have a recycling bin if they choose to have plastic in any amount. So, I don't think that there is anything afoot here, other than the fact that when we had the Solid Waste Bill come forward two years, there were many things that had not been advanced upon, including the recycling of plastic. Now that seems to be moving in the right direction. This is just one more piece of trying to reduce our waste stream. And as I said before, if you vote for it, I don't consider you more of an environmentalist than if you vote against it, it just depends on where you are coming from and how you see the issue.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that this is the first time that I have risen on an environmental Bill. But someone asked a question a little while ago if there was any processing plant in Maine. I represent the Town of Greene, which is in my district, and housed there is the Maine Poly Industries, which employees a hundred and thirteen people that do just that. I thought I would share that with the Senator from Kennebec, and the other members of the Senate. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to try to clarify at least as one member of this Body, and not a member of the Energy and Natural Resources Committee, what I think many in this Legislature have been trying to do over the last few years, united with citizens across the state, and that is, the effort to cut back our reliance and our production of plastics, in such a way that would get plastics out of waste stream, to prohibit their creation, because we know that plastics have sat in those waste

facilities and landfills, and we know that they do not biodegrade, and those are the issues that we as a Legislature have been involved in over these last few years. It seems to me that we have passed some tough laws in respect to plastics so that we can get them out of the system, so that we can turn to other kinds of renewable resources to utilize.

The last observation that I have, and it is amazing to me, and I know that progress sometimes happens in entrepreneurship, and thank God that it does in this country, but it is amazing to me that in two years we now have this major breakthrough. Somebody must have been thinking about these changes when we were debating this issue a couple of years ago. It didn't just drop out of the sky. I have a real concern about what message we are sending here. This issue is really causing me to shake my head a little bit.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be brief, again, I had not anticipated speaking on this issue. In response to the comments from the good Senator from Penobscot, Senator Baldacci, I want to assure him as well as the good Chair of the Committee, Senator Titcomb, as well as the Minority member of that Committee, that I do respect that Committee process, I appreciate the hard work that they have done, I appreciate the long hours that I know that they are spending down there.

However, I was here last session, as well, and I appreciated then the long, tedious hours that were put in by the Committee at that time to put in place what many of us refer to as "Landmark Recycling Legislation". I also remember leaving the Chamber after the tenth or eleventh final vote on the package, after its attempts had been made to amend the thing to death, there were voices that could be heard in the back of the Chamber, "This is going to cause an uprising across the state. People will be up in arms that one more series of mandates will be placed on already strapped consumers up against the wall". Well, let me tell you something, roughly a year or so has passed since that landmark legislation was put through this Legislature. I haven't heard any outcries in my district, or from other districts. People have not been calling me clamoring, "Why don't I have more access to more plastic bags"? They are quite happy with the incentives that we have placed into Maine law, the fact that we in the Committee and the Legislature at that time were somewhat visionary, and saw an issue that needed to be addressed. We are at a cross roads here, ladies and gentlemen, we are at a point in time in which we have to make a decision as to whether we want to allow this law to work, or whether we want to begin to pull it apart. I think that is wrong. Now, I always become a little bit suspicious when on one hand I don't hear from the taxpayers in my district concerned about the fact that there is lack of availability of plastic bags, and on the other hand, quietly, in very unassuming fashion, the plastics industry goes before the Legislature and lobbys for its position before the Committee. They have a right to do that. We have a responsibility to listen to them. But, I also have a responsibility when faced

with what I consider to be a significant public policy change to question their motivations. I am very concerned about this. I am very concerned about the step we are taking, and I certainly haven't counted votes here, I have no idea how this is going to play out this evening, but I am very concerned that we are taking a major step backwards. Ladies and Gentlemen, it is a symbolic step backward. We will get by if we revert back to plastic bags, life will go on, but what kind of gesture, what kind of a signal are we sending. I think that it is very dangerous. Mr. President, I request a Division.

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

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. It was only by the remarks of the previous speaker that I am compelled to rise. I understand what the good Senator from Penobscot, Senator Bost's point was about not meddling too much in legislation that was passed in past years, and that was supposedly state of the art legislation.

I say that only because the good Senator from Penobscot, Senator Bost, has not heard an outcry about the Bill, or items on that Bill. I would like to invite the good Senator to Biddeford, and to Arundel, and to Kittery, and to Buxton, and to Benton, every place else that has been effected by the Bill that was passed in the last session. I think you will hear a lot more than an outcry. There have been plenty of people screaming about another part of that Bill. And by the way, I will try to change that part of the Bill that was passed a couple of years ago, because of that outcry, because people have spoken, people are speaking, and it is important for us to listen to them. I am going to support the Majority Report of the Committee on this Bill, because I am one that believes that many times we do things and we have to come back and revisit, and if there are better ways, we do it. This is just one of those particular pieces of legislation that I think we should be revisiting.

This is a very light comment, and I hope that it is taken in this fashion, but in my own home, we do quite a bit of shopping, and we buy quite a bit of food as you might imagine, and we used to get plastic bags, and we started getting them again along with paper bags. We stack our paper bags in our cellar, and we have stacks of paper bags that you just won't believe. And we keep all the plastic bags in this little jar. We stuff them in there, and we stuff them in there, and we can pull them out one after the other and they never end, because they take so much less room than all of these paper bags. So I guess my question would be to anyone who would care to answer it, can you put more plastic bags in a paper bag, or more paper bags in a plastic bag?

Off Record Remarks

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that was a loaded question, and I am going to let the good Senator figure the answer out for himself.

I just want to perhaps clarify my earlier statement. The good Senator from York, Senator Dutremble and I have worked together on a number of initiatives to make certain that the landfill sites, and incinerator facilities, one of which is located in his district, the other one is located in my district, are measures which would make certain that laws which are applicable to those sites are strengthened, that there be greater public input and awareness as to the environmental consequences and impact of those facilities. My reference to the broad recycling legislation that was passed in the last legislative session was that, just that, broad. I recognize that there are some people very concerned about elements within that Bill. My concern, however, is a Bill labeled L.D. 1166, which does only one thing, and that is repeal the law that prohibits the use of plastic bags. With regards to the issues of importance to both the good Senator from York, Senator Dutremble and myself, those still stand.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would correct the statements that were made that this somehow leashes plastic bags out into society. We have plastic bags being used every day in our stores. The one thing that we don't have in all of our stores that provide plastic bags, is a bin for those plastic bags to be brought back and to be recycled. This Bill would provide for that, and I hope that no one in this Chamber thinks that because paper is paper, and somehow it is natural, that it goes to a landfill, and it just suddenly disappears. You talk about volume filling up landfills. Take a look at what a pile of twenty bags looks like wet and soggy in a landfill, versus those same twenty bags that are made of plastic. The difference is, and I think that this is critical, it is wonderful to think that we all reuse our paper bags forever, and then there is a place for them where they can become new paper bags. That does not happen. We may go to our local grocery store and get a five cent credit. I don't know how many times your paper bag makes that full trip, but mine haven't been too successful after I go to the meat department and things come home all soggy and wet. This provides that plastic can be used if an opportunity is given in the same store for that plastic to be recycled. My final comment would be, in defense of the members of the Energy and Natural Resources Committee, we listen with a very open mind to all sides of the issues, and it just so happened that the evidence from all sources supporting this Bill made more sense than the evidence opposed to this Bill, and that is why the Majority of the Committee supports it.

THE PRESIDENT: Senator **KANY** of Kennebec requested and received leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The choice is not between a plastic bag which is automatically recycled, and a paper bag, which is not recycled. The choice is between paper bags and plastic bags. Hopefully, most of them would be recycled in either case.

A couple of things that I wanted to point out. Number one is, a statement was made that it took more petroleum to make a paper bag than to make a plastic bag. I do not believe that is true. It could, I suppose, if you used an oil fired furnace, if you generated your electricity with oil, but that is not the case. Our paper companies use hydro and other sources of fuel, so you really use very, very little petroleum in making a paper bag. The basic resource used to make a plastic bag is petroleum, and it is not renewable, we all know that. We learned that many years ago, and those facts have not changed. Paper bags can be made in any Senate District in this state. Recycled paper fiber is used throughout this state to make many, many paper products. For the State of Maine, paper is an indigenous product, and we certainly should encourage the use of our forest resources for positive purposes for renewable resources.

I urge you to reject this Bill, this Bill which has not been called for by the people of the State of Maine. And although the law itself may not be perfect as a whole, there may be portions of it that should be refined, this is not one of them. The law two years ago, imperfect or perfect, certainly was a giant leap forward to finally managing our solid waste crisis. It was a giant step forward, and clearly, if this not a leap backwards, it certainly is a small step backwards, and I urge you to reject the pending motion and kill this Bill.

THE PRESIDENT: The pending motion before the Senate is the motion by Senator **TITCOMB** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A Division has been requested.

Will all of those in favor of the motion by Senator **TITCOMB** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

23 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **TITCOMB** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-204) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws"

S.P. 443 L.D. 1187

Tabled - May 9, 1991, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 8, 1991, **READ A SECOND TIME.**)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED.**

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Concerning the Franklin County Budget"

H.P. 15 L.D. 18
(C "A" H-225)

Tabled - May 9, 1991, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 8, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**, in concurrence. Subsequently, **RECONSIDERED.**)

(In House, May 7, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225).**)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Codify the Rules of Maine"

H.P. 1 L.D. 1

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

Minority - **Ought Not to Pass.**

Tabled - May 9, 1991, by Senator CLARK of Cumberland.

Pending - Motion by Senator BERUBE of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In Senate, May 9, 1991, Reports **READ.**)

(In House, May 8, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195) AS AMENDED BY HOUSE AMENDMENT "A" (H-200)** thereto.)

Senator EMERSON of Penobscot requested a Division.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator EMERSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I find myself on the short end of a twelve to one Committee Report, and I guess that I don't have any illusions of overturning it, but I thought my reasoning was sound, and I guess I want to test it on other people to see if anybody else would agree with me.

This Bill would codify the rules and regulations of the Maine departments and agencies, and so on and so forth, codify them, and eventually publish them. I guess that this would be a nice thing to do if we had money enough to take on any new responsibilities. I don't happen to think that we do have. When this Bill came to us, it had about a quarter of a million dollar price tag on it, and as we worked this Bill, I think there were three different versions that emerged. One was the original Bill, one was the Secretary of States version, and one was a Committee version. As we worked the Bill, a Representative from the Secretary of State came in and said, "If we would stretch the time to five years for doing this job, we could do it in house with what resources we have". I guess I didn't really believe that anyway, but it does concern me when anything of that magnitude says it can be done without any extra help. It just tells me that there is too much help around, anyway. But, those are the three versions.

The Legislative Analyst compared the three versions for us, and I would like to read just one thing regarding the fiscal impact. The original Bill, like I say, was for the first year \$161,000, and the next year was about \$88,000, so that is almost a quarter of a million dollars. The Secretary of States amendment that she writes us would be substantially less than the original Bill, but significant cost for staff and equipment. Then the Committees amendment under fiscal impact says, Unknown at time of preparation. However, most likely, would be less than the Secretary of States amendment. Well, it just seems to me that it is potentially going to cost money somewhere down the road, and it is money that I don't think that we have, and is something that I think is absolutely unnecessary to have. It would be nice if we had the money.

But secondly, this is being done partly now by a private concern. There is a concern located in Portland that will publish some of the rules and regulations of some of the agencies and departments.

Not all, but they published, I think, nine volumes, and if they published them all, I think that there would be something like nineteen or twenty. So they publish a good share of them. Of course those are the ones that are needed the most by the public, and they are bought by the public, and they are not paid for by the taxpayers, no taxpayer money goes into that.

I just happen to think that for now we shouldn't pass this Bill, we should let the private concern do what they are doing, and not place yet another debt on us in the future as we would do with this Bill. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Far be it for me to suggest that I would support a Bill that would cost the thousands of dollars that my colleague on the State and Local Government Committee said it would, if it did, indeed, I would not be supporting it, because I think I have a reputation for fiscal conservatism. But initially, it was not implemented to the degree that the Commission who studied this issue of Codification of Rules and Regulations anticipated, and that is the reason that we took out the Bill. I would not have supported it for the same reason that again, the Senator from Penobscot, Senator Emerson suggests. However, the Secretary of States Office will be able to implement the beginnings of this Bill within existing resources, and the Committee felt that they could do it with their existing resources, and that it was a good step forward.

Everybody has been complaining and criticizing for a number of years that they have no access to the rules and regulations. They are spread out here and there. At least this would codify them and make them available to libraries. Eventually, businesses would be able to research rules and regulations.

Another aspect which is very important, is that the Commission and the Committee that studied this last summer insisted that it clearly be defined that the official rules and regulations come from the Secretary of States Office, and all others that are published are not official, although they mirror pretty much the Secretary of State, so that insignias or emblems should be discouraged because they do not represent the true codification of rules. This was a 12 to 1 Report, and I would hope that you would support the motion to Accept the Ought To Pass Report. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I stand tonight in support of the Senator from Penobscot, Senator Emerson. I think that he has brought forward some very good points. The state doesn't have any money, and certainly with all respect to the Senator from Androscoggin, Senator Berube, if the Secretary of States Office said that they could implement this with existing resources, I would simply say, what existing resources? The State of Maine is broke. We

have implemented furlough days, we have laid people off, and I strongly suspect we are going to continue further reduction in state government. It would be a very nice thing to have, but considering the fact that we just voted to send \$50,000 to Aroostook County, and that is certainly well deserved and much needed funds, if we have an opportunity to possibly save some money now and in the future, I would certainly suggest that we accept the Minority Report on this piece of legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

Senator **WEBSTER** of Franklin moved to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

HELD BILL

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

Senator **CLARK:** Mr. President. Is the Senate in possession of L.D. 1488?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

SENATE REPORT - from the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Provide Access for Persons with Physical Disability to the State's Recreational Areas"

S.P. 568 L.D. 1488

Report - Refer to the Committee on **HUMAN RESOURCES**.

(In Senate, May 7, 1991, Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY**.)

(In House, May 8, 1991, Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **HUMAN RESOURCES** in **NON-CONCURRENCE**.)

(In Senate, May 9, 1991, **ADHERED**.)

On motion by Senator **CLARK** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADHERED**.

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Reported by Senator **BALDACCI** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Require Evaluation of Emissions and Health Risks from Incineration Facilities"

S.P. 603 L.D. 1607

Reported by Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Concerning Camping Reservations in Baxter State Park"

S.P. 604 L.D. 1608

Reported by Senator **CONLEY** for the Committee on **LABOR** Bill "An Act Concerning Actions for Damages Resulting from Violations of Unemployment and Workers' Compensation Laws by Bidders on Construction Contracts"

S.P. 597 L.D. 1582

Reported by Senator **GOULD** for the Committee on **MARINE RESOURCES** Bill "An Act to Amend the Law Regarding the Portland Board of Harbor Commissioners"

S.P. 652 L.D. 1719

Reported by Senator **THERIAULT** for the Committee on **TRANSPORTATION** Bill "An Act to Establish a Scenic Roadway Designation in the State"

S.P. 556 L.D. 1460

Ought to Pass

Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act Concerning Public Representation on Professional and Occupational Boards or Commissions"

S.P. 444 L.D. 1188

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

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

The Bill **READ ONCE**.

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

Senator **GOULD** for the Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Laws Regarding the Labeling of Seafood"

S.P. 583 L.D. 1536

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **EDUCATION** on Bill "An Act to Amend and Improve the Laws Relating to Education"

S.P. 469 L.D. 1252

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-153)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

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

Senator **ESTES** for the Committee on **EDUCATION** on Bill "An Act Concerning Teacher Employment"

S.P. 500 L.D. 1338

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-147) **READ** and **ADOPTED**.

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

Senator **DUTREMBLE** for the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Energy Efficiency Standards for Subsidized Housing"
S.P. 204 L.D. 531

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-151)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-151) **READ** and **ADOPTED**.

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

Senator **ESTES** for the Committee on **MARINE RESOURCES** on Bill "An Act to Foster Marine Research"
S.P. 450 L.D. 1226

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-148)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-148) **READ** and **ADOPTED**.

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

Senator **ESTES** for the Committee on **MARINE RESOURCES** on Bill "An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site"
S.P. 456 L.D. 1232

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-149)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

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

Senator **ESTES** for the Committee on **MARINE RESOURCES** on Bill "An Act to Make Revisions in the Marine Resource Laws"
S.P. 510 L.D. 1359

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-150)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-150) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Revise the Laws Concerning Innovative Educational Grants"
S.P. 377 L.D. 1054

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-152)**

Signed:

Senators:

ESTES of York
MCCORMICK of Kennebec
BRAWN of Knox

Representatives:

CROWLEY of Stockton Springs
O'GARA of Westbrook
NORTON of Winthrop
BARTH of Bethel
PFEIFFER of Brunswick
CAHILL of Mattawamkeag
O'DEA of Orono
AULT of Wayne
OLIVER of Portland

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

Signed:

Representative:

HANDY of Lewiston

Which Reports were **READ**.

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-152) **READ and ADOPTED.**

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

Which was **READ and ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1277

JOINT RESOLUTION HONORING PORTLAND HIGH SCHOOL AS THE NATION'S SECOND OLDEST CONTINUING PUBLIC HIGH SCHOOL

WHEREAS, Portland High School is the nation's 2nd oldest continuing public high school, founded in 1821; and

WHEREAS, Portland High School has produced thousands of graduates who have gained prominence in a number of fields, from government service to business and industry, from arts and entertainment to science and technology, from military service to education and above all to parenthood; and

WHEREAS, because of its unique urban setting, Portland High School has a character that is very special not only to students and alumni, but to all the citizens of Portland; and

WHEREAS, the citizens of Portland voted in 1987 to expend \$20,000,000 to renovate and refurbish the school so that it can address the educational needs of its youth well into the 21st century; and

WHEREAS, this is the largest school renovation project in the history of Maine; and

WHEREAS, with renovations completed, on May 13, 1991 Portland High School celebrates this investment in education with a rededication of the high school; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session recognize Portland High School for its contribution to the education of Maine children for the past 170 years; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Portland High School.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Maine Environmental Protection Fund Fee Schedule" (Emergency)
H.P. 1275 L.D. 1846

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

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

Bill "An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities"
H.P. 1271 L.D. 1842

Comes from the House referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED.**

Which was referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Amending the Definition of Murder in the First Degree to Include Homicide by Pattern or Practice of Assault or Torture of a Child under the Age of 16"
H.P. 1267 L.D. 1838

Bill "An Act to Improve Implementation of the Maine Indian Claims Settlement Laws"
H.P. 1272 L.D. 1843

Bill "An Act to Establish the Maine Revised Uniform Limited Partnership Act"
H.P. 1276 L.D. 1847

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 to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach"
H.P. 1269 L.D. 1840

Bill "An Act to Amend the Charter of the Farmington Village Corporation" (Emergency)
H.P. 1270 L.D. 1841

Bill "An Act to Require the Use of People First Language in the Maine Revised Statutes and to Authorize Administrative Implementation of Associated Changes in Terminology"
H.P. 1274 L.D. 1845

Come from the House referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

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

Bill "An Act to Extend Certain Income Tax Benefits to Individuals Participating in Operation Desert Shield or Operation Desert Storm" (Emergency)
H.P. 1268 L.D. 1839

Bill "An Act to Amend the Tree Growth and Open Space Laws"
H.P. 1273 L.D. 1844

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.

Off Record Remarks

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BOST** of Penobscot, **ADJOURNED** until Thursday, May 16, 1991, at 5:00 in the afternoon.