

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
Thursday
May 16, 1991

Senate called to Order by the President.

Prayer by the Honorable Dennis L. Dutremble of York.

SENATOR DENNIS L. DUTREMBLE: Father in heaven, bless us again in our efforts to serve Your people. Give patience and prudence to all, let the process continue to grind away. But, Lord, can You spare a dime. Amen.

Reading of the Journal of Monday, May 13, 1991.

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

S.P. 702

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 20, 1991, at five o'clock in the afternoon.

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

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require the State to Pay Municipal Permit Fees for New Construction or Improvements to State-owned Buildings"

S.P. 226 L.D. 580

Majority - **Ought Not to Pass.**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-117).**

In Senate, May 7, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)** in **NON-CONCURRENCE**.

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act Regarding the Issuance of Identification Cards" S.P. 452 L.D. 1228

In Senate, May 8, 1991, **PASSED TO BE ENGROSSED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-293)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 699

115TH MAINE LEGISLATURE

May 14, 1991

Senator Zachary E. Matthews
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Wilmot Robinson of Millinocket for appointment and John Crabtree of Warren for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife 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 **FISHERIES AND WILDLIFE**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Amend the Composition of the Animal Welfare Board"

S.P. 694 L.D. 1859

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by President **PRAY** of Penobscot,
Speaker **MARTIN** of Eagle Lake and Representative
TARDY of Palmyra
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Expand the Membership of the Animal Welfare Board"

S.P. 696 L.D. 1861

Presented by Senator **EMERSON** of Penobscot
Cosponsored by Senator **TWITCHELL** of Oxford,
Representative **NUTTING** of Leeds and
Representative **SPEAR** of Nobleboro

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

Sent down for concurrence.

Bill "An Act to Require the Preparation of Impact Statements"

S.P. 695 L.D. 1860

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **FARNSWORTH** of
Hallowell

Which was referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Improve the Returnable Beverage Container Laws"

S.P. 698 L.D. 1863

Presented by Senator **BALDACCI** of Penobscot (By Request)

Cosponsored by Representative **SHELTRA** of Biddeford, Representative **GRAHAM** of Houlton and Representative **STEVENS** of Sabattus
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Bill "An Act Concerning Acquisition of Heating Oil Assets"

S.P. 701 L.D. 1869

Presented by President **PRAY** of Penobscot
Cosponsored by Senator **BALDACCI** of Penobscot
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Resolve, to Establish a Commission to Arrange for the Display of the Flags of Maine's Desert Storm Units in the Hall of Flags of the State House

S.P. 697 L.D. 1862

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **ERWIN** of Rumford and Representative **GRAY** of Sedgwick
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$27,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges and Airports"

S.P. 700 L.D. 1870

Presented by Senator **GOULD** of Waldo
Cosponsored by Representative **BAILEY** of Farmington

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

Sent down for concurrence.

Under suspension of the Rules, all Reference Papers thus acted upon were 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 to Increase Distributor Acceptance of Beverage Containers and to Clarify the Sorting Obligations of Contracted Agents"
H.P. 1024 L.D. 1497

From the Committee on **BUSINESS LEGISLATION** Bill "An Act to Prevent Preprinting of Federal Drug Enforcement Agency Registration Numbers on Prescription Drug Order Forms"
H.P. 1145 L.D. 1670

From the Committee on **EDUCATION** Bill "An Act to Provide for Discipline of Exceptional Students with Behavior Problems"
H.P. 1038 L.D. 1511

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Develop Integrated, Long-range, Ecologically Sound State Energy and Transportation Policies"
H.P. 606 L.D. 866

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Establish Environmental Standards for Packaging"
H.P. 949 L.D. 1371

From the Committee on **HUMAN RESOURCES** Bill "An Act to Establish Interdepartmental Coordination and a Comprehensive Delivery System of Services for Persons who Have Sustained Traumatic Head Injury"
H.P. 1050 L.D. 1523

From the Committee on **LABOR** Bill "An Act to Regulate Employee Dismissals"
H.P. 260 L.D. 351

From the Committee on **LABOR** Bill "An Act to Encourage Health Insurance in Public Contracts"
H.P. 541 L.D. 778

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Permit Access to Cemeteries by Descendants"
H.P. 850 L.D. 1216

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Allow the Use of Coupons in the Purchase of Alcoholic Beverages"
H.P. 1075 L.D. 1569

From the Committee on **MARINE RESOURCES** Bill "An Act Concerning Marine Research"
H.P. 1204 L.D. 1760

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Regulate the Disposition of State Surplus Property"
H.P. 570 L.D. 821

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

Leave to Withdraw

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

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1991" (Emergency)
H.P. 484 L.D. 678

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Establish Capital Improvement Programs"
H.P. 881 L.D. 1272

From the Committee on **JUDICIARY** Bill "An Act to Allow Guardians to Hospitalize Wards"
H.P. 1175 L.D. 1716

From the Committee on **LABOR** Bill "An Act to Require Overtime Pay for Working on Sunday in Certain Retail Establishments"
H.P. 707 L.D. 1012

From the Committee on **LABOR** Bill "An Act to Prevent Unfair Employment Hiring Practices"
H.P. 1000 L.D. 1468

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A"
H.P. 1053 L.D. 1542

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State"

H.P. 875 L.D. 1261

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-273)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-273) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE** on Bill "An Act to Revise the Law Protecting Farmers' Rights to Farm"

H.P. 920 L.D. 1317

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-270)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-270) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE** on Bill "An Act to Increase the Fees for Dog Licenses"

H.P. 932 L.D. 1352

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE** on Bill "An Act to Make Maine Milk Laws Conform to Federal Laws"

H.P. 1060 L.D. 1549

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-271) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Maine Consumer Credit Code"

H.P. 829 L.D. 1195

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-282)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-282) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension"

H.P. 71 L.D. 99

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

Which Report was **READ**.

On motion by Senator **MCCORMICK** of Kennebec, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Committee Report, in concurrence.

The Committee on **JUDICIARY** on Resolve, To Require the Department of Human Services to Inform Certain Persons of their Rights

H.P. 776 L.D. 1108

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-278)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-278)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-278) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Amend the Law Concerning Family Medical Leave"

H.P. 75 L.D. 103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-254)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-254) **READ**.

On motion by Senator **CLARK** of Cumberland, Senate Amendment "A" (S-166) to Committee Amendment "A" (H-254) **READ** and **ADOPTED**.

Committee Amendment "A" (H-254) as Amended by Senate Amendment "A" (S-166) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Clarify the Landlord's Handling of Abandoned Property" H.P. 873 L.D. 1259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-274)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-274) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Improve the Smoke Detector Laws" H.P. 897 L.D. 1294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters"

H.P. 893 L.D. 1290

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-267)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-267) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act Relating to the Restoration of Drivers' Licenses"

H.P. 447 L.D. 637

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**.

Which Report was **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Committee Report, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act to Encourage the Development of Air Transportation Service to Small Communities"

H.P. 602 L.D. 862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-269)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Amend Certain Commercial Motor Vehicle Laws"

H.P. 636 L.D. 906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-268)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-268) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements"

H.P. 688 L.D. 987

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-280)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-280) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Regarding Sunday Sales"

H.P. 1079 L.D. 1573

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

Signed:

Senators:

BALDACCI of Penobscot
RICH of Cumberland

Representatives:

SHELTRA of Biddeford
LIBBY of Kennebunk
BAILEY of Township 27
VIGUE of Winslow
GRAHAM of Houlton
STEVENS of Sabattus

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

Signed:

Senator:

MATTHEWS of Kennebec

Representatives:

KUTASI of Bridgton
REED of Dexter
CONSTANTINE of Bar Harbor
GURNEY of Portland

Comes from the House with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-295).**

Which Reports were **READ.**

Senator **BALDACCI** of Penobscot moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE.**

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Bill which many of us are familiar with, dealing with the new Sunday Sale Law, passed in referendum by the voters of the State of Maine. This Bill would simply limit those hours from 12:00 to 5:00 o'clock. I think that this issue is an important one that merits discussion and debate. A great many businesses that I represent, and I know that all of us in this Chamber represent small businesses, have been severely impacted by the new law. A number of our larger stores have now opened up from 8:00 o'clock in the morning to 8:00 o'clock at night, and a lot of the small convenience stores that traditionally did a large part of their business on Sunday, are now finding their business gone.

I felt that this issue needed to get to the floor, it needed a discussion. I do not believe that my actions today are in anyway going against the voters of the State of Maine. It was a very close referendum. I think that many people in the State of Maine didn't expect to see a lot of the large stores open at 8:00 o'clock in the morning on Sunday, which is now the case. I think that many people had the idea that the new law would be from 12:00 to 5:00 o'clock. I think that their concerns are important. We should remember, ladies and gentlemen of the Senate, that when we talk about the needs for jobs and employment, and we talk about creation of jobs through business growth and helping the business community, we must remember that 90% of our activity is in smaller businesses. A great deal of that lion share of economic activity comes from these smaller businesses that employ a great deal many people. I fully respect my good colleagues on the Business Legislation Committee that have worked hard, along with my Senate Chair, a business man himself. I understand what the majority members of the Committee are saying, but I do believe that this issue is a good one. I believe that the voters of the State of Maine did not envision the kind of situation that we have here today. I offer my concerns to my fellow members of the Senate, and I think that this issue needs a discussion. Thank you Mr. President.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It was very clear that last year we had the issue and our Committee had almost unanimously rejected the proposal to allow the stores to open. The issue went out to referendum, and the people have voted on that issue. For whatever reason the good Senator from Kennebec, Senator Matthews, feels the people may have been thinking when they went into the voting booth, they did vote, and this is what they voted for. In order to change this, I believe very firmly in the right of the people to go back out to referendum to change this. It is not within my realm as a Legislator to change the will of the people, and that should be respected. Even though I disagree with it, even though I voted contrary to that, I still respect the vote of the people, and I have to maintain that today.

On top of that, Mr. President and members of the Senate, if you read the fiscal note on this Bill that has been attached under House Amendment (H-295), the Bill limits the amount of hours of operations on Sundays for retail stores over five thousand square feet. This reduction in hours of operation may reduce General Fund Revenue generated from the sales and income taxes, but would not appreciably effect budgeted revenues. I want you to know that it can't do both. It is going to impact the revenues that the states get, because if they are open from 8:00 to 8:00, or 8:00 to 6:00, and they are being told that they can open from 12:00 to 5:00, that in fact, their hours of operation are changing in the loss of income and sales tax dollars which will be less at a time that is not exactly one in which we should be submitting to.

On two different stores, large chains as far as their information that was presented at the Public Hearing, one store has approximately five to six

million dollars in wages during those times, and the other store has approximately 2.7 million dollars in wages. That means wages would be lost to the income tax. Also, loss of premiums paid that would afford those people who are working the ability to buy health insurance or other benefits that might not have been available had those extra hours not been there. Then, the sales tax dollars, and it was submitted at the Hearing, and I am pretty sure that I had mentioned this to the good Senator from Kennebec, Senator Matthews afterwards, but the hardware stores that are open from 9:00 to 1:00 would be under the obligation of being open from 12:00 to 1:00. They submitted that they wouldn't be able to open for just one hour because it is not profitable to bring in a whole staff for one hour. I asked why they didn't open later, and the reply was that people on Sundays want to get their projects material ready in the morning so they can get those projects done and have the rest of the day off. That is not even taking into consideration on top of the other matters. I ask the Senate to support the Majority Ought Not To Pass Report. Thank you Mr. President.

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

Senator **RICH:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you know, I visited nearly six thousand homes in my Senate District last fall. One thing that came through clear to me, was the peoples trust that I would uphold their vote regarding the Sunday Sales Referendum. Coming from small business, it is a difficult decision for me. I must defend the vote taken in last November's referendum. 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. There is one other issue here which I want to mention very briefly, and I think it goes to the heart of this issue that we are discussing, and that is the kinds of changes that we are seeing over the last few years with our state. I know that change is inevitable, but, I think it is important for those in public policy positions that were elected by the public to try to sift through what is important and what kinds of traditions we want to keep, and what kinds of things that we want to change.

My concern, also, in supporting and voting against the referendum was that we are going through a crisis in our society. I have talked about it, and many other members in this Body have talked about the challenges to the family. I know the Chair and members of the Business Legislation Committee feel as I do about family issues, but I think that this issue, at least in my opinion, really goes to that issue of family. Our society, because of the challenges and the need for parents to work two jobs, with the problems of drug abuse and the pressures on teens today, with the lack of quality time because we as parents are constantly trying to make ends meet, and trying to do all the things that we need to do, have an opportunity, it seems to me, as a Legislature, to do this. As the words of one friend and person who advocates for small business, Bob Remy said, "To slow down may be some of the wings of

change". Here in Maine we don't just jump immediately to what other states do. We want to protect the quality of life that we have here. I think that Sunday, at least in my estimation, is one of those days that is a very important day for that quality of life, when a family gets together, goes to church together, whatever that faith might be, or chooses not to, but gets together as a family and does things. I guess that experience of quality time is my concern, that Sunday simply not become a regular day of the week. It is a separate and special day. I know again, that my colleagues on the Committee would agree with what I am saying, but don't agree with my methodology, I guess, and this Bill being part of that. But I need to state to you that I think that it is. I think that we have an opportunity to keep faith with the referendum, and put in some safeguards to give the families a chance to be together on Sunday.

Also, the other side of this issue, and I know that many businesses, and thanks to the work of the Legislature, has many protections for employees. But, we know that in the real world, that when you work in a business you have freedom of choice, but you have got to realize that when you have to work, you have to work. When you don't, you are not going to stay employed. So, these are the kinds of things that I am concerned about. I am concerned about the family and Sunday, I am concerned about the impact economically as we talk about economics here to small business. I am concerned about employees and their opportunity to be with their families, and I am concerned about, from a society point of view, giving up some of those traditions.

Tradition is a good thing. I wish that we would be able to keep more of our traditions and the way of life that we enjoy here in Maine. We have got to fight to keep it, and I don't want to see Maine become Massachusetts or New York. I know that many people are trying to get out of there to come here to Maine. But I do hear from many people that do come up to Maine that they are real concerned that it is just like home, just like Massachusetts or New York used to be, or becoming that way, and they are concerned. So those are the reasons that I voted in favor of this legislation, and I would urge the members of this Body to vote against the pending motion. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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.

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices" (Emergency)

H.P. 591 L.D. 842

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-205)**

Signed:

Senators:

- TITCOMB of Cumberland
- BALDACCI of Penobscot
- LUDWIG of Aroostook

Representatives:

- LORD of Waterboro
- COLES of Harpswell
- ANDERSON of Woodland
- JACQUES of Waterville
- HOGLUND of Portland
- MARSH of West Gardiner
- GOULD of Greenville

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

Signed:

Representatives:

- SIMPSON of Casco
- POWERS of Coplin Plantation
- MITCHELL of Freeport

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205).**

Which Reports were **READ.**

The Majority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-205) **READ** and **ADOPTED**, in concurrence.

Senate at Ease

Senate called to order by the President.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BOST** of Penobscot 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 **BOST** of Penobscot 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.

6 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion of Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED.**

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Establish a Statewide Area Health Education Centers System"

H.P. 112 L.D. 155

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-253)**

Signed:

Senators:

- CONLEY of Cumberland
- BOST of Penobscot
- GILL of Cumberland

Representatives:

- MANNING of Portland
- GEAN of Alfred
- GOODRIDGE of Pittsfield
- TREAT of Gardiner
- WENTWORTH of Arundel
- SIMONDS of Cape Elizabeth
- CLARK of Brunswick

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

Signed:

Representatives:

- PENDLETON of Scarborough
- DUPLESSIS of Old Town
- PENDEXTER of Scarborough

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

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-253) AS AMENDED BY HOUSE AMENDMENT "A" (H-311)** thereto.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-253) **READ**.

House Amendment "A" (H-311) to Committee Amendment "A" (H-253) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-253) as Amended by House Amendment "A" (H-311) thereto, **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide a 15-day Waiting Period on the Sale of Handguns"

H.P. 817 L.D. 1171

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

Signed:

Senators:

- MILLS of Oxford
- KANY of Kennebec
- SUMMERS of Cumberland

Representatives:

- LAWRENCE of Kittery
- JALBERT of Lisbon
- PLOURDE of Biddeford
- DAGGETT of Augusta
- POULIN of Oakland
- STEVENS of Sabattus
- TUPPER of Orrington
- HICHENS of Eliot
- BOWERS of Sherman

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-276)**

Signed:

Representative:

- RICHARDSON of Portland

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report 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 **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act Relating to the Maine Rainy Day Fund"
S.P. 258 L.D. 716

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Provide Property Tax Relief by Providing Funds for County Jails" (Emergency)
S.P. 341 L.D. 931

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Implement Meaningful Legislative Oversight of State Finances"
S.P. 475 L.D. 1267

Reported by Senator **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act to Institute a System of No-fault Automobile Insurance"
S.P. 529 L.D. 1407

Reported by Senator **RICH** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Establish Ombudsman Positions with the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration"
S.P. 578 L.D. 1532

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Prohibiting Chlorofluorocarbons in Automobile Air Conditioners"
S.P. 621 L.D. 1625

Reported by Senator **GILL** for the Committee on **HUMAN RESOURCES** Bill "An Act to Create a Fund to Pay Certain Costs of Drugs Used to Treat Mental Illness"
S.P. 65 L.D. 117

Reported by Senator **GILL** for the Committee on **HUMAN RESOURCES** Bill "An Act to Provide Access for Persons with Physical Disability to the State's Recreational Areas"
S.P. 568 L.D. 1488

Reported by Senator BERUBE for the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Codify the Maine Vision"

S.P. 547 L.D. 1451

Leave to Withdraw

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

Reported by Senator WEBSTER for the Committee on **AGING, RETIREMENT AND VETERANS** Bill "An Act to Amend the Calculation Procedure for Final Average Compensation under the Maine State Retirement Laws in Cases of Furloughs" (Emergency)

S.P. 620 L.D. 1624

Reported by Senator BRANNIGAN for the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** Bill "An Act to Provide That An Upper Age Limit May Not Be Imposed By the Maine State Housing Authority"

S.P. 618 L.D. 1622

Ought to Pass

Senator BRANNIGAN for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Federal and Other Special Revenue Funds in Maine State Government"

S.P. 685 L.D. 1819

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

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

The **READ ONCE**.

The **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

Senator MCCORMICK for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage"

S.P. 396 L.D. 1072

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-161)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.

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

Senator BALDACCI for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Allow Relicensing of an Existing Biomedical Waste Facility" (Emergency)

S.P. 15 L.D. 3

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-162)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-162) **READ** and **ADOPTED**.

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

Senator BERUBE for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Unclaimed Property Act"

S.P. 117 L.D. 216

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-155)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-155) **READ** and **ADOPTED**.

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

Senator BERUBE for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure Community Participation in Substance Abuse Programs and Planning"

S.P. 237 L.D. 628

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-154)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-154) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Confidentiality for the Records of Individuals Who Receive Funds from a Community Development Program Created Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205"

S.P. 527 L.D. 1405

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-157)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities"

S.P. 514 L.D. 1375

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

Signed:

Senators:

THERIAULT of Aroostook
BRAWN of Knox

Representatives:

RAND of Portland
HASTINGS of Fryeburg
CARLETON of Wells
GARLAND of Bangor
JOSEPH of Waterville
TRACY of Rome

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-156)**

Signed:

Senator:

KANY of Kennebec

Representatives:

MITCHELL of Vassalboro
ERWIN of Rumford
PINEAU of Jay
KETOVER of Portland

Which Reports were **READ**.

Senator **KANY** of Kennebec moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I sort of feel like David right now as he was facing Goliath. As I look around the room I see all these very powerful bankers, and I also have to do battle with two of the most powerful members of this Body, the good Senator from Cumberland, Senator Brannigan, and also the good Senator from Kennebec, Senator Kany.

I really think that this is a "David and Goliath" Bill. What I see is a corporate America competing for the same business of our small local insurance people. To me, this provides at best an uneven playing field, and this is why I am very concerned about the passage of this Bill. I am going to go through a few reasons why I think this Bill should not pass. First of all, I feel that banks should do things that banks do, and along the same line, local insurance agents should do things that local agents do. I don't think that we should mix them together. What troubles me the most about this is the fact that what this Bill really does, is to allow the banks to become another agent. That is it. Nothing more. They will become another agent or an agency. As far as I know, the present agents that we have serving us have been serving us very well, and I see no reason for any change. If you look historically at this Legislature, this issue has been brought forward several times, and every time this Body saw fit to kill this because of the same reasons that I am expressing right now.

Lets assume that this Bill should pass. I am assuming that there will probably be a media blitz advertising this new power and trying to get the customers away from the local agents that we have. What is sad about this, is that our local agents will not have the resources to do the same in trying to hold onto their piece of the business. I am sure that also, along with this blitz, that there will probably be a reduction in the rates or commission. But, I also see potentially our small agents going out of business. Once they are out of business, I wonder what will happen? You can use your own imagination.

Yes, I feel that this is really a "David and Goliath" issue, and I think that this is a "little guy" issue, and I urge you to vote against the motion. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Oh! "David and Goliath." I have had "David and Goliath" fights before, and this isn't one of them. To me this is "Goliath versus Goliath", because it is the banks versus insurance companies. I know that the agents are our neighbors and our friends, but so are bank people, and many of the bank people that you see here today are people that you haven't seen before, they have been there before, they have worked in our local banks before, they have worked in our local branches. But, they weren't spending all their time and money lobbying the Legislature. Although they weren't as sophisticated as our local insurance

agents, in fact, it is amazing that the insurance agents aren't here. I understand that they are so sure because this Bill has been defeated over and over again in its various forms. I have presented it before and have been defeated before. I can understand why they take this Bill and this Legislature for granted. Yet, it may be that they are not here because there are less of them. Insurance companies themselves, from everything that I know, are not treating their agents very well. Agents are being dumped. Insurance companies have other means of selling their product, and insurance agents and insurance companies sell a range of products, almost all the products that banks sell.

In some cases as you know, the financial services are bundled together in great numbers. Bundling together of insurance services and financial services, as you know, Sears and Roebuck does everything from selling socks to stocks, insurance, land and real estate. There is change in the financial service industry, and has been for years and years. And the banks have been prohibited from moving in any direction to expand their services. They were allowed to sell insurance related to their loans, which is credit insurance. Otherwise than that, no.

This Bill is mine, the only really reason why anyone could vote against this Bill is if you believe and buy the idea that it is means for a foot in the door, and I wouldn't deny it, it may be possible, because I will tell you openly that I believe that banks should be able to compete with insurance companies the way insurance companies have been allowed to compete with banks. Insurance companies own banks. Can banks own insurance companies? A bank can't even underwrite insurance! Insurance agents can go to work for banks to do this, and some of them may need that work the way that they are being treated.

What is wrong with the price of insurance going down? If it happens, the big scare would be that banks will gain control, and they will start jacking up the price. Insurance has been sold by some banks in Massachusetts, Connecticut, and New York for years. Thirty-six other states allow what this Bill allows. We used to be ahead of the times. Now we are behind the times. I just think that it is a matter of fairness, it is a matter of good sense, it is a matter of people standing up and doing the right thing, and not just what they happen to be over lobbied on. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question, does this allow credit unions to also sell annuities? Because, if we are talking about competition, and I understood that is what we are talking about, and the price is going down, if you bought that reasoning, than credit unions should also be able to sell. I don't have an account in a bank anymore. I belong to a credit union. A couple of them. So I am interested in the credit unions, and I would like to know the answer to that answer when I get through.

A year or so ago, one of the attempts to introduce a Bill similar to this to allow banks to offer insurance, we got a flood of mail from people who worked in the banks. Each one was from people that lived in my area and worked in banks. They were all the same letter, word, for word, for word. They were all hand written. But, at the bottom of one of those letters, from a person who came from my District, who worked in Bangor, I guess after she had shown the letter to prove to him or her that she had sent the letter, was given back the letter to put in the envelope to seal up, and she wrote, "P.S., I have been made to do this if I want to keep my job". Well, I am sure that not everybody was not made to do that. I am sure that everybody was asked to do that, though.

The thing that bothers me about banks selling insurance, is that Joe Smith goes into the bank, and he needs a loan. I have been in that position before, and I am sure that probably everyone else has been in that position, too. The bank officer says, "You know that we have a Committee that reviews this, and we will have to get back to you on your application for a loan". But, while I have got you here, do you need an annuity?" And the man says to himself, "Boy, I want that car awfully bad. And I guess what I probably ought to say is, no I don't have an annuity, and yes, I do need it, do you sell them?" I think there is pressure there. I think that it is improper pressure that could be exercised by banks. I don't think that they ought to be allowed to do it.

The Senator from Cumberland, Senator Brannigan, who I disagree with very rarely, said that the prices would go down with competition. I just submit to the members of the Senate, that I heard that same argument not long ago when the Legislature of this state was asked whether or not they wanted to allow our banks to merge with out-of-state banks. It was going to be good for our economy. It was going to be good for the state. There was going to be local people giving out local loans. These people were smarter than we were because they were bigger, economies of scale, and all of that sort of thing. I remember all of that. There are very few banks left in Maine now that are solely owned in Maine, and solely contained in Maine. And you know what? They are doing better than the other ones.

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

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I specially hope that the Senator from Penobscot, Senator Pearson, will listen to this, because first I would like to respond to a couple of remarks that he made and to his question.

Number one, is that credit unions, as well as banks, would be able to sell annuities. Only sell them, not underwrite them. That is where the risk is in underwriting. There is no real risk in the sale. First of all, I would like to tell you that in years past, I voted against legislation like this. I had been lobbied on both sides, I really didn't care, I

really didn't want to hear a lot about it, I really didn't know a lot about it, and I guess whoever found me first, and I guess it must have been the more frequent insurance lobbyist, or insurance agents from home, that I happened to vote with them. But, this year, I did something different. I looked at the facts. And that changed my whole attitude towards it, because banks are very, very regulated, very limited to how they can earn profits. They are very much involved in securities in their trust departments. They are allowed to sell credit insurance now. They are allowed to make loans and so on, but they are very limited, very regulated, and a great deal of scrutiny both at the state and the federal level, if they are state banks or if they are federal banks, and that is true of credit unions, also.

That is not true of insurance companies, by the way. Insurance companies are not regulated to any degree at the federal level. It is only individual states trying to cope with the complex insurance issues. So the facts, as I saw them, and as I look at them now, banks and credit unions were simply asking to be able to sell these annuities, and further, as the Bill is amended before you, anybody that is an employee of the credit union or bank who would be selling an annuity, would have to go through the same licensing process as an insurance agent. Identical. We require the same thing of them. Further, the law would allow the bank to contract with the little local insurance agent to sell the annuities through the bank, just to offer their customers that service.

What is wrong with allowing our banks, who by the way, as troubled as they may be, and limited as to opportunities and profits, are in no more trouble nationally than insurance companies. I believe that it is a reasonable thing to allow the banks and credit unions to have this no risk basic opportunity to offer their customers something else, either through their own employees who have been properly trained, or through the local insurance agent that they contract with. And what does it offer the people of Maine? Perhaps a little competition! What is wrong with a little competition! We hear from our insurance industry, and in general, they love competition! Well, this would offer them a little more competition. I think that it can only benefit the people of Maine. I see nothing wrong with it, and I just wish that I had taken the time to look at the facts before, and I apologize to the banking industry for not having done that prior to this year.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, listened to representatives from the banking industry in my district when they lined up by my door a couple of days ago, and informed me on this issue for about an hour, and again today.

To my good Senator from Cumberland, Senator Brannigan, if this was a decision being made on how many lobbyist speak to you, or how many members of the industry speak to you, than I certainly would be voting with the good Senator, but that is not the case. Many times I make decisions on "gut feelings", and this is one of those "gut feelings" Bills that I

am making a decision on. We are talking about the insurance industry, which has for years been a very sound industry. Very sound. We are talking about a banking industry that I don't have to say anymore about. Now we were asking the very sound industry to be invaded by the banking industry, and supposedly, this is not going to do anything to destruct a very sound industry. I have a real problem with the fact that we are having severe economic problems in this country. We are having severe economic problems in this state, and a lot of that had something to do with the banking industry. I have severe problems with people who across this country, and across this state have been asked to pay billions of dollars because of the banking industry. My "gut feeling" is, that I just can't see rewarding all of that by taking a product of a very sound industry and allowing an unsound industry to deal in it. I have no idea where that is going to lead me. I have no idea where that is going to lead the state. It has got nothing to do with how many lobbyist have spoken to me.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Something just sort of popped into my head that I hadn't heard too much discussed about, which is an annuity. An annuity is actually a fairly large sum of money, \$50,000 and above, I would imagine. It was mentioned about fair competition between the insurance industry and the banking industry. Well, who better has knowledge about who has this kind of money that they are going to sell an annuity to other than the banking industry? The insurance industry would have to be selling, contacting people. If someone comes to them, they could sell them an annuity if they had that kind of money. In the case of the banks, it is pretty obvious who has it and who doesn't. They are not going to waste time on someone who does not have enough money to buy an annuity. I urge you to defeat the Minority Ought To Pass Report.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It has been suggested this evening, that allowing banks to sell annuities would provide for increased competition, and it has been suggested that maybe it might lower prices. I don't happen to think that is particularly true. Keep in mind that this Bill, essentially, makes insurance agents out of people who may be working in a bank. The people that are going to insure this, the underwriters, are still going to continue to be the Aetna's, the Prudential's, the insurance companies. The difference is, that the bankers are going to be talking and making their trades for underwriting with exactly the same people that are the present insurance agents. They are both going to be receiving commissions, so they are going to have very little to do with the price structure, unless, they want to play with their commissions. That is a very limited area, because those commissions are not very much. It is going to be difficult to make the price go up and down, just because there are more people in the market place, because they are going to be playing with the same underwriters.

Now, I can understand why banks want to do this. Many of you will remember that they got into the Individual Retirement Account business a number of years ago, and now those are beginning to mature. People, like myself, who have reached their advanced years, will be soon cashing in these IRA's at our friendly banks, and seeking, perhaps, an annuity to provide some income for the rest of their days. Since I have arrived at that happy stage in life, I have been thinking about annuities. I discovered rather quickly, that although my good banking friends were anxious to do this, I found them not particularly knowledgeable about annuities. But, I did find my insurance agent friends extremely knowledgeable. Now, I understand that if this were to pass, obviously, they will train people, they will hire people, and then these people will be licensed in the same fashion as the existing insurance agents. I think that in trying to sort this all out, about the only advantage that I can perceive to the public, to consumers, is that perhaps because of the numbers of banks, and the regularly routine hours that they are open, that is the only thing that I can see suggested that might be advisable from a consumers point of view. On the other hand, they don't have the expertise in house at the present time. We have available on the other side, all these agents who do this for a living, and do it well, and they are both going to use the same insurer. So, it seems to me, that I am satisfied with the status quo, at least at the present time, and I shall vote against this Bill.

On motion by Senator **THERIAULT** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **KANY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered).

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" S.P. 514 L.D. 1375

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-156).

Tabled - May 16, 1991, by Senator **THERIAULT** of Aroostook

Pending - the motion by Senator **KANY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

(In Senate, May 16, 1991, Reports **READ**.)

Senator **THERIAULT** of Aroostook requested and received leave of the Senate to withdraw his request for a Roll Call.

Senator **THERIAULT** of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **KANY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **KANY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Eliminate Sunday Allocations on the Penobscot River" S.P. 676 L.D. 1790

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

Signed:

Senators:
TWITCHELL of Oxford
SUMMERS of Cumberland

Representatives:
ROTONDI of Athens
SWAZEY of Bucksport
CLARK of Millinocket
PAUL of Sanford
GREENLAW of Standish
TRACY of Rome
JACQUES of Waterville
FARREN of Cherryfield
CARROLL of Southwest Harbor
DUFFY of Bangor

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

Signed:

Senator:
MATTHEWS of Kennebec

Which Reports were **READ.**

The Minority **OUGHT TO PASS** Report was **ACCEPTED.**

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED.**

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Require Establishments That Sell Alcohol to Post Health Messages Concerning the Misuse of Alcohol"

S.P. 234 L.D. 625

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-158)

Signed:

Senator:
BOST of Penobscot

Representatives:
MANNING of Portland
CLARK of Brunswick
GEAN of Alfred
GOODRIDGE of Pittsfield
TREAT of Gardiner
WENTWORTH of Arundel
PENDLETON of Scarborough
DUPLESSIS of Old Town

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

Signed:

Senators:
CONLEY of Cumberland
GILL of Cumberland

Representatives:
SIMONDS of Cape Elizabeth
PENDEXTER of Scarborough

Which Reports were **READ.**

Senator **CONLEY** of Cumberland moved to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Bill that has been before us in one form or another many times. Sometimes we have passed it, sometimes we haven't. Sometimes it has gotten a Governor's Veto, sometimes it hasn't. The major reason, and it wasn't this particular Bill, actually, it was "The Fetal Alcohol Syndrome Warning Sign". This is not that. This is a health message sign that is similar to what was acted upon by the Surgeon General of the United States, and that is all that it is. It does, in fact, have a penalty on it if you don't put up the sign, or if the first time you violate it you are issued a warning. The reason that there is a penalty is not because the sponsors or the people supporting this Bill want a penalty for not putting up the sign, but because a gubernatorial fiat has indicated that such a Bill requires a penalty, otherwise it carries no weight. So, that is the only reason that it is there.

Now that I have described what the Bill is and what it does, let me tell you why I think that it is needed. It is needed because there are established facts, that if you stop using just one product, alcohol, you will not have the risk of mental retardation in your child. Now, there are other messages in that message relating to the danger while driving and a number of other things. The most important one for me, however, is the warning to women that, in fact, drinking alcohol is a game of "Russian Roulette". Not in every case does it cause mental retardation, but I could take you to so many young people, children, grown ups, and elderly that are faced with this disease. And why? Because alcohol was ingested when they were in their mother's womb. That is a sad fact, folks. A very sad fact. And a simple warning sign will help us educate people not to do that.

I know that there is serious objection to this Bill, and I think it is because it lays a guilt trip on people. It is not because it is not needed. It is not because you can refute the fact that alcohol does cause mental retardation. It is not because of any of those things. It is because we feel guilty when we see the sign up. And heaven forbid we should make people feel guilty about causing a problem with a baby that they are carrying in their womb. It is not an easy question. I know it is not an easy question. I wish that we didn't have to do it. But, I can't tell you how many young women I have talked to who think that it is okay, that they really aren't taking a risk. "One drink, Beverly? One sip? It's not going to hurt me." Well, I can't tell them whether it is going to hurt their fetus or not. I can't tell them that. But, I can tell them that it is likely that it will, and there is only one way to make sure that it doesn't happen, and that is not to ingest alcohol.

I had two children. I nursed those two children. Everything I ate had an effect on that child. If, in fact, nursing has an effect on the

behavior and the digestion of a child, don't you think that something that you ingest while you are carrying that fetus is going to effect them? Of course it is. It is a simple message. It doesn't have much money attached to it. It tells people that there is something that they can do to prevent a mental disorder in their child. I think it is an important message. I think it is something that we need to do. I hope that you think seriously about the words that I am saying, and the effect that it has.

One of the things that you should remember, and I hate to leave it with a monetary issue, but I will. The last time I checked, to take care of some of these children, it costs you upwards of \$100,000 a year and over for their lifetimes! We could avoid this by just some simple education.

I remember a young married couple that came to me about a chemical that they used to spray on apples a couple of years ago when she was pregnant. The whole family is very health conscious. She was very careful what she did to keep her body and her family healthy. They used to go pick apples, and they did while she was pregnant. She later found out that this chemical had been banned. She did not know that drinking alcohol could also cause a problem for her fetus. She did not know that. Thankfully, she was not a drinker, but when she brought that problem about the chemical on apples, and I told her about that, I was dumfounded that she didn't know, because she was so aware of what happened within her body, and she was dumfounded that she didn't know, and a little resentful that she hadn't been told. I think that is an important message. I think we ought to listen. Please, pass this Bill.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. As a signer of the Minority Report, I do believe that I should share my concerns with you. It is very difficult to follow the eloquent Senator from Kennebec, Senator Bustin, because her concerns are very real. It is not easy for us who are sitting here, and charged with overlooking the health of our state citizenry, to face the prospect of paying for a child with Fetal Alcohol Syndrome. I do not take that issue lightly.

However, myself and others on the Minority Report, looked at this Bill and asked ourselves, is it going to accomplish the good which the caring Senator from Kennebec, Senator Bustin, wants to have accomplished? And I think we came to our conclusion that it would not, and that it would place yet another burden on small businesses of this state.

This sign, and I know that you can't hold these signs up, but it is a placard, and it has about five different warnings on that sign. Those warnings are the same exact warnings that appear on the beer bottle itself, that somebody is served when they go into an establishment. This law, if passed, would require small businesses, our little "Mom and Pop" grocery stores, gas stations that sell alcohol, restaurants, as well as our taverns, to post these

signs. It is my strong belief that there are so many signs already in one of these establishments, that it is almost like a sign war. I don't know who can separate which sign means what, and who is going to do anything that the sign requests you to do. The good Senator from Kennebec, Senator Bustin, has suggested that people don't want these signs up, because they are going to feel guilty about drinking when they see these signs when they go into an establishment. I, for one, hope I will never have children myself, and do not feel guilty about reading this particular placard. I do think it is an incredible intrusion into somebody's life, and particularly the business itself to hang this sign. Where is this going to stop? Shall we put these signs on the little glasses? Shall we put them on the beer trucks? Shall we make the bartenders have T-shirts that indicate those warnings? I just don't think it is going to do what we had intended it to do.

I really think that this is imposing a burden on businesses in an economic time when we can't really afford to do it. The first time they violate this law it is only a warning, but if you violate it again, those men and women in green from our Liquor Enforcement Department will be there with a summons, and off you go to the Administrative Court to pay your fine of up to \$200. They will look at your record when you come into get your liquor license back, and low and behold, because one of about forty-seven signs that they are required to post, and they didn't post, they got a fine and a black mark on their record.

Again, we have to look at budget considerations, I don't care if it is nickel! There is \$3,000 on this Bill. Is it a priority for us in the State of Maine? Thank you.

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

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. As a co-sponsor on this Bill, and obviously, other members of this Committee did think it was a good Bill, it was still a Majority Report. I understand that it costs the state maybe \$3,000 to implement. I think that it is money well spent if it just saves one child and allows them to have a normal life. It should be well worth our while passing this Bill. I notice that nobody gets up and runs when I am speaking because they know they won't have time to get back. Thank you.

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. I signed this Bill out of Committee because I feel very strongly about protecting those in this particular context who don't necessarily have a voice, those potential FAS children, who will be burdened for the rest of their lives because of the alcohol abuse of their mother. The good Senator from Cumberland, Senator Conley, talked about the incredible burden and intrusion on peoples lives that this small eight and one-half by eleven sign would have on peoples lives. I would maintain the burden is on society when a Fetal Alcohol Syndrome baby, and contrary to some of the misinformation that the Committee was

provided, they do exist, the burden that society bears when these children go through the Mental Health and Mental Retardation System, and are often times after they reach the age of eighteen, become wards of the state. To me, as the good Senator from York, Senator Carpenter, indicated, if even a small segment of children who could potentially be effected, are prevented from having this burden that they had nothing to do with being inflicted upon them, I think that we are doing something very worth while. I was quite alarmed by a letter that the Committee received from a lobbying firm, which quoted a doctor in justification for the position that this Bill not be enacted, stating that according to this physician, it is in fact, "too rare to warrant governmental intrusion with mandatory signs and penalties". He goes on to say, in fact, as the date of this physicians letter, he had not been able to identify or disclose a single definite case of Fetal Alcohol Syndrome.

Ladies and Gentlemen of the Senate. I have been in the field of social service for going on twelve years. I have worked directly with children who are wards of the state, whose case history I have had access to, and I have had many, many instances where the reference, many times the sole reference to that child's disability or disabilities, a sole reference to a mother who had abused alcohol throughout her pregnancy, was in many, many cases, the physicians assessment. These children deserve our support! We are certainly supporting them by our tax dollars in maintaining adequate services for them. I think that an ounce of prevention here is certainly worth while. I will be supporting this Bill, I don't think that it is an overkill measure. I don't think it is going to put a small business under as has been suggested. I certainly hope that you will vote against the pending motion so that we can pass this Bill. Thank you.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. The letter that the good Senator from Penobscot, Senator Bost referred to, also had some other information in it. The physician who wrote the letter was an eminent Chief of Pediatrics in the Maine Medical Center, Dr. George Hallett, and he indicated that in the last twenty-five to thirty thousand births at the Maine Medical Center, there has not been one single definite case of FAS. He goes on to say, despite the fact that they have four Neonatologists, two Pediatric Geneticists, and twenty-five Generalists Pediatricians, the numbers are still not there. One of the principle investigators of FAS, Dr. R.J. Saco, of Wayne State University, claims through publications, that a large number of pregnant women who averaged between four and five drinks per day during their pregnancy, none of them had children with FAS. The children who are diagnosed as having FAS syndrome, may come from women who are chronic alcohol drinkers. The critical people that we should be trying to influence are those maternal, chronic alcoholics, not the occasional mild maternal drinker. Signs are not going to stop chronic alcoholics or severe drinkers from drinking. They are going to drink anyway.

I think that the mandatory signs are intrusive on the shop owners. Our Committee has dealt with a number of Bills that dealt with signs, and if we ended up posting all the signs that our Committee wanted to post, then you would not be able to look inside the coolers to see what products you wanted to purchase. I would say that I don't believe, that we as the State of Maine, need to be the first State in the Union to have a sign that has five warnings on that sign. This would be the only State in the Union to approve of these warning signs. I don't think Maine has to be the first, particularly, when there are only eight other states that have FAS information that require posting.

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 say to those that oppose this Bill, and for those that feel that there are too many signs in businesses selling alcohol, take down the other thirty-seven signs, and put up this sign. Ladies and gentlemen of the Senate, it is okay to debate the merits of an issue, there is no problem with that, but it sometimes seems inappropriate to get into the rhetoric.

Ladies and Gentlemen of the Senate, Fetal Alcohol Syndrome, there is no debate over FAS. It is a fact! There are young, little babies, innocent human lives that are shattered, as the good Senator from Penobscot, Senator Bost, has mentioned. Lives that are shattered because drinking during the pregnancy happened. Ladies and Gentlemen, it is that first trimester when the baby is being formed, the brain, and all of the important vital organs, when the serious kinds of problems occur when you have a mother that drinks alcohol. A mother drinks for two when she is pregnant. The alcohol industry, and the critics from the associated business community, there comments have been put to rest. There is no denying Fetal Alcohol Syndrome, it is a fact!

I am going to cite one physician, also, who I happen to believe is an expert in Pediatrics, and has a long outstanding history of service to the people of Central Maine, and a person who could be this Senator for this District if he ever ran, my father, Dr. Matthews. My father has spent years working with FAS babies. Thank God they are not the norm! But they occur, and it happens! There is a place in Fairfield called Clearview, and if anyone who hasn't seen a FAS child, I would tell you, go to the places like the good Senator from Penobscot, Senator Bost mentioned, and the place in my District, Clearview. Look at these innocent children, because drinking happened early in the pregnancy. They are suffering the serious kinds of complications. All we are asking for, and have asked for historically in this Chamber, and in this State House, is for a sign. Just a warning sign. When you talk about the people that support this issue, the National Council on Alcoholism, the American Medical Association, the interest groups fighting against alcoholism and substance abuse, teachers, everybody, doctors, the Surgeon Generals of this country, let's not be swept away by the arguments from the alcohol industry that it just doesn't exist. Doggone it, let's put that lie to rest! It happens, and this is a modest attempt for prevention, and it can prevent as the

good Senator from York, Senator Carpenter said, "If it saves one child, it is worth it". Tear down all the other signs! I will speak to John Martin tomorrow morning. Put up this sign, it is a public health and a public interest issue, and I hope that this Chamber will vote for this issue, its time has come. Thank you Mr. President.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I find it somewhat ironic that the same Body that allowed small farmers last week to post signs on the side of the road, advertising cukes, and strawberries, and what not, is now debating, and may well defeat a Bill which is designed to protect individuals from the effects of Fetal Alcohol Syndrome. I also am rather amazed at the reference by the good Senator from Cumberland, Senator Gill, to the letter from Dr. George Hallett, who among other things, intoned, that perhaps it was okay for the large number of pregnant women to average four and five drinks a day during pregnancies, because according to his statistics, none had babies with FAS. Does FAS and the problems associated with it stop at the Maine/New Hampshire border? If it does, please help me out with that logistically. We received a number of pieces of testimony during the Hearing. Perhaps the most compelling was from the Department of Mental Health and Retardation. Now why would they have an interest in this Bill? Because they are the recipient of those children who are suffering from FAS! What is Fetal Alcohol Syndrome? I will quote from the testimony. "FAS is a recognizable pattern or cluster of malformations in children which have been attributed to alcohol exposure while in the uterus. The principle features of FAS are related to central nervous system dysfunction, growth deficiency, facial characteristics. FAS is now regarded as the leading known cause of mental retardation in the western world." With the exception of Maine, if you would believe the arguments that are being heard tonight on the Senate floor. I will continue to quote, "A whole range of defects from learning disabilities to hyper activity are also attributed to alcohol abuse during pregnancy, and occur at a rate that is significantly higher of FAS. These somewhat less severe defects are referred to as Fetal Alcohol Effects." This is perhaps the most telling, "Individuals requiring medication for mental health disorders are particularly at risk for developing substance abuse or abuse disorders as well. A study conducted by the Alcohol Drug Abuse and Mental Health Administration notes, that persons with a diagnosed mental disorder have a close to one in three probability of developing an alcohol or drug abuse disorder." Dr. Bert Pepper, M.D., a Psychiatrist and nationally acknowledged expert in the field of dual disorders, which is mental illness and substance abuse said, "That many individuals with mental health disorders have an exquisite sensitivity to even small amounts of alcohol or other drug use which can lead to a break down in the individuals emotional health". Now, when you talk about exquisite sensitivity to even small amounts of alcohol, I don't believe that you are referring to four and five drinks a day for a woman throughout her pregnancy.

I think probably at this point its belaboring the issue, and I will sit down momentarily. I do want to say, though, that one can drag out an expert when one wants to defend any particular argument that one wants to further. In this case, you have physicians and psychiatrists, perhaps, on both ends. I think it is incumbent upon us tonight to make the right decision, regardless of some of those conflicting pieces of information out there. 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 want to first thank the good Senator from Penobscot, Senator Bost, for bringing up the last sign Bill that we had in this Body, namely on farm products, and as he knows, I was with him on that issue, and remain consistent in my own views on what we should do with signs in general. I would suggest that if we want to accomplish what the good Senator from Penobscot, Senator Bost wants, and the good Senator from Kennebec, Senator Matthews, and others want, than we should just get rid of alcohol altogether. We should ban it, because that is the cause of Fetal Alcohol Syndrome. Nobody disagrees with that. I do not dispute that this syndrome exists. What I dispute is whether or not this proposed law is going to do anything about it. If we go down the road that the good Senator from Penobscot, Senator Bost is talking about, than perhaps we should add to this ever growing list of things on this sign that would probably go from here across the Chamber if we really sat down and worked on it. The very individuals with the emotional problems that he talked about, perhaps, they should be careful when they consume alcohol. People who tend to have problems in their marriages should stay away from alcohol, it is only going to make things worse. People that have all kinds of other problems may not, or maybe should not ingest alcohol. Is a sign going to stop it? I think not. I just don't see how it is going to do it. If I thought it could, I would have voted for the Bill.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There have been a number of things that have been said here, and I am not too sure how to address them, except that one of the good things that the good Senator from Cumberland, Senator Gill indicated, from her letter that was written to her by Dr. Hallett was, that the only women who were really in trouble with alcohol, and who might have a problem with Fetal Alcohol Syndrome, or Fetal Alcohol Effects, was the chronic alcoholic. Well, this is probably true, the more you drink the more danger that you are in. I just think that you shouldn't play "Russian Roulette" with alcohol if you are pregnant. But, even if you didn't consider that, are you telling me that you are ready to do away with the OUI, because in most instances, it is the chronic alcoholic who always drives drunk. We are never going to catch him, whether we get him under OUI or we don't get him under OUI. It is not the person who takes one drink, or who may go to a reception given for the Legislature and have sip of wine. It isn't that person who is going to be picked

up for OUI. So, do I draw from that that we should do away with the OUI law? Of course not.

There was a foster parent that I was working with on health insurance for foster parents. You know what they do? They take care of youngsters who are FAS and FAE effected. You know what you pay for them? A lot of money! We are talking about an initial outlay of \$3,000 the first year, and \$364 the next year. And we say we shouldn't try and put a sign up to stem the tide of something that could cost us a \$100,000 and more a year, per child! It doesn't make a whole lot of sense to me.

I just want to end with what I thought was a cute kind of thing, I read it in a magazine, it was sort of an advertisement. There is a new system out where a pregnant woman can buy this megaphone and talk to the baby in the womb. They found out that through experiments in doing this that you stepped up this child's intelligence by two or three years. I relate to that because it tells you that there really is an effect on the fetus for everything that you do when you are pregnant. That has got to tell you that alcohol can, and might, and sometimes will effect that fetus. I think it is incumbent upon us to defeat the pending motion and vote for this Bill.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CONLEY** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

A vote of Yes will be in favor of **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE, BRAWN, CAHILL, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, MILLS, PEARSON, RICH, SUMMERS, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BOST, BRANNIGAN, BUSTIN, CARPENTER, ESTES, FOSTER, KANY, MATTHEWS, MCCORMICK, THERIAULT, TITCOMB**

ABSENT: Senators **BALDACCI, EMERSON**

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **CONLEY** of Cumberland, to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Severance Pay Laws" (Emergency) S.P. 84 L.D. 157

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-159)**

Signed:

Senators:
ESTY of Cumberland
CONLEY of Cumberland

Representatives:
RAND of Portland
MCKEEN of Windham
PINEAU of Jay
ST. ONGE of Greene
MCHENRY of Madawaska
RUHLIN of Brewer

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

Signed:

Senator:
CARPENTER of York

Representatives:
LIPMAN of Augusta
HASTINGS of Fryeburg
AIKMAN of Poland

Which Reports were **READ**.

Senator **ESTY** of Cumberland moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I thought that we were going to get through the year without a Divided Report coming out of Labor. But we got one, and I urge you to vote against the Majority Ought To Pass As Amended Report.

This Bill in it current form is really a Bill against labor, the employees, and the employers. The Severance Pay Bill in the State of Maine is a very liberal Bill, it is a severe Bill, and it has been in effect since 1974. What we are trying to do here is amend this Bill, which closes a three-year window that has been provided in the Severance Pay Law since

1974. This three-year window allows a business to be sold. Maybe it is going under, maybe it needs a new influx of money, maybe it is transferring. Anyway, it allows the building to be sold to another employer, and that employer is not subject to pay the severance pay of the past employer. He has a three-year window to attempt to rejuvenate this company that might be on the verge of bankruptcy. He has three years, and at that point, he starts accumulating the severance pay for employees that have been on the payroll for three years. What this Bill does, is eliminates this window, and it says that the Severance Pay Law runs with the facility, not with the employer. Meaning, for instance, in Biddeford, John Roberts, which is a clothing manufacturer, was having financial trouble. I wore my John Roberts jacket tonight just so that I could show it off. They have had a lot of financial problems, they were ready to file bankruptcy. Let's say for another example that they were going to sell their business, they were going bankrupt, but they hadn't gone bankrupt, and they wanted to sell it, and it eliminates any number of future employers from purchasing it, or maybe not eliminate them entirely, but it makes them think about it more than once to pick up all the past severance pay. You could have people there for a number of years. Now, I understand that it sounds like the employee should deserve their severance pay, which yes, maybe they should. But in this case, you have a three-year window. Now, if we still have that window, someone could pick up this business and give these employees four years of jobs, rather than a small amount of severance pay.

That is why I say, that the Bill that is before us is really against labor. It is against the employees, because it is not encouraging, or helping a new business take over a failing business. It is also against business. It is not helping a new business acquire a failing business. It is somewhat hard to explain, and if I am not doing it, I hope that someone asks questions.

Another point, it really all stems from the Diamond Brands case that has been in the court system. I just want to give an example of what it would mean in dollars and cents. Diamond Brands operated the Maine facility for nearly two years, increasing employment to a peak of 307 employees. But, eventually closed when it lost about 2 million dollars in 1988. During the two years that the facility remained operating, a total of 7 million dollars in wages and benefits was paid to the employees. If this L.D. 157 had been in effect in 1986 when Diamond Brands acquired Diamond Match Corporation, 197 employees would have lost their jobs immediately, and would have received collectively only \$250,000 in severance pay. Rather than taking the severance pay, like I stated at the beginning, the wages and benefits totaled 7 million dollars. I request a Division and I hope that we vote this Bill Ought Not To Pass. Thank you.

Senator **CARPENTER** of York requested a Division.

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me take a few moments of the Senate's time today to explain more

fully the issues that were involved regarding this piece of legislation. Let me also say that I was very disappointed, in fact, that this was not a unanimous Report. In fact, if the Senate Chair of the Labor Committee had pushed this Bill through in a timely way, this Bill was heard in January, and it very nearly could have been unanimous, but the Labor Committee Chair of the Senate decided to let everyone have their due time, did not want to interfere in the pending court case, because the Governor was very concerned about that, and instead, decided to let this lie upon the Table so that everybody could have time to consider it. Well, in fact, if we had pushed it through, the Bill was written and everyone had agreed to it in Committee, because we did compromise in a number of areas. Let me also say that this is not new legislation creating Severance Pay Laws, this is something that the good Senator from York, Senator Carpenter, who has done a terrific job on the Labor Committee, had no problem with once we made the changes in January and February. But, I didn't want to bring this out then because there was pending litigation, so I wanted to be sure that we didn't have that as a problem. In fact, that was the Governor's only concern, and I met with the Governor personally. We didn't want to interfere with pending litigation, so we didn't. We stripped off a retroactivity clause because there were concerns about that regarding all cases in the past, even though last year the good former Senator from Auburn, supported a retroactivity clause regarding severance pay in a case in Auburn. This is nothing new, in fact, it began in 1974. The Department of Labor spoke in favor of this Bill and still favors this Bill, because it closes a loop hole that they didn't expect would be there.

Let me take a few minutes to address some of the concerns and tell you about what the current law actually says. Severance Pay Law applies only to facilities that are closed or relocated, and in which employ over a hundred persons. It requires the owner of a covered facility to pay severance pay to his employees at a rate of one weeks pay for each years employment at that facility, as long as the employee has been employed by that employer at least three years. This three year employment requirement was originally intended to restrict severance pay to only long term employees, but has created the unintended loophole that I am referring to.

Let me tell you more about the Diamond Brand decision that was handed down. On March 27th, the Supreme Court issued this decision. The case involved the former Diamond Match Dixfield Plant which was purchased by Diamond Brands. Notice the significant name change in the new company. A separate company that was involved with the same management personnel as the first company, Diamond Brand, subsequently closed the Dixfield Plant two years after the purchase. The state sued to collect the severance pay for the workers at the Dixfield Plant, but the law court found that the workers were not entitled to receive the severance pay, because they had not been employed for three years under the new name of Diamond Brands, even though many of the workers had been employed at the Dixfield Plant for much longer than three years. What are the effects of this decision? It created the loophole that I mentioned. It means that whenever a plant is purchased by a new corporation, or a new corporation that happens to have been formed, and then closes the

plant within three years, it is not required to pay severance pay, the severance pay that this legislature had originally enacted and intended in 1974 as a law. In this case, the employees of a facility do not receive any severance pay unless they have bargained with it with the employer. Let me also mention that employees can negotiate this away, if there is concern, they can negotiate it away at any point. If there is a nonunion plant, it can be imposed as long as some minimal severance pay is paid, as little as a \$1 a year!

Senator Carpenter from York mentioned that it would be harder for an owner to sell. I don't believe that would likely occur for the following reasons. First of all, the purchase price of a facility will simply drop to reflect the potential liability. The prior owner does not lose money because of this reduction, since if he did not sell the plant, he would be liable for severance pay. The Bill simply prevents the prior owner for avoiding this liability and shifting it to the plants employees and the local town, which occur if the sale took place and the plant then closed within the three years. Secondly, prospective purchasers are not buying the plant because they think they are going to close it in less than three years, they are buying it because they think that they will be able to keep it open, make a profit, provide jobs, and not have to pay severance pay in any event.

I would also like to comment that I am very pleased that in the first Divided Report that we have, both the good Senator from York, Senator Carpenter, and I, are fighting to protect employees. I think that is an important precedence that we have both set up here, and I know that it is going to continue. The argument fails to consider the purpose of requiring severance pay. The Severance Pay Law isn't intended to simply hand the employee a sack of money. It is intended to provide the displaced worker with the means to adjust the loss of his or her job and to prepare for reemployment through retraining, reeducation, or otherwise. The issue isn't whether a worker receives more money over two years than he may receive in severance pay in seven years, or any amount of years. Under the opponents view, the worker may have received his paycheck for two years, but one day he shows up for work and the gate is locked. He is out of a job with no money to prepare for his reemployment. "It is hard for a owner to sell", the good Senator from York, Senator Carpenter has said. I also don't believe that is likely to occur, because the purchase price of the facility will simply drop to reflect that liability, the same liability that the prior owner had upon purchase of that plant.

Let me just stop there and say that I think there are three things that I think that we are accomplishing by this legislation, three very good reasons to pass it. One, is to protect Maine workers who have relied on the law and its past interpretation that we are clarifying and supporting them, and who are now at risk of losing if we do not act upon this to protect the Severance Law itself. Number two, if we do not plug this loophole, we don't really have any kind of law that makes any kind of sense, or is enforceable. Number three, is because we are in the worse economic times that we have been in for a while. It seems to me that severance pay

laws are meant to protect employees during the worse times, and I think that this legislation does this. We began with this legislation by saying we did not want to expand severance pay. We did not want to cut it back, either. We wanted the intent of the severance pay laws to stay the same. Period. And that is what this Bill does, and that is all. 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. I saw this Report on the Calendar when I arrived this morning, and it concerned me. Not necessarily because of the issue of severance pay, because I think the Severance Pay Law that we have on the books makes sense, but I was concerned by the fact that this Bill, and two other Bills soon to arrive are divided in a way that I would not like to see. We have some major issues to discuss in this Legislature in the next thirty days; the Budget, taxes, and an array of other things. I, for one am concerned, if we are sincere about working together, as has been stated by everybody in both Parties and the Governor's office, and we all about trying to solve the huge problem that we have, than I am concerned as to why this type of legislation is before us. Does anybody in this Senate have any illusions that this Bill is going to finally become law? Frankly, I don't. And I don't think that anybody else does. Perhaps it will pass the Legislature, and most likely, I would be willing to gamble with anyone who wants to gamble that it will not be signed, and will come back to us and will be sustained.

Frankly, this is the kind of issue along with others to follow, that will end up leaving bad feelings at a time when we need to work together. A side could argue on this issue that it was perhaps anti-business, or anti-economic development, or whatever. I could argue it on this issue, I could do it on the two other issues that will follow. I would just as soon vote, because we have to go through this exercise, and move on, because frankly, I am concerned, very concerned if we are sincere about dealing with the major issues to come before the Legislature, that we don't get involved to a great length in this and other more partisan type issues.

I have read the newspapers and listened to comments made by people on both sides of the aisle, people from all types of political philosophy about the importance of working together. I would like to bring to the attention of the Senate that this type of Report, this type of legislation and others that will follow, are not the type of things that are going to bring us together, to work together to meet the citizens needs in the remaining thirty days of the session. I mean no negativeness to anybody on the Committee, or any member who doesn't share my view. But frankly, these are the kinds of things that are going to make it difficult to work together in the end of the important Budget and other matters. Frankly, if any member of this Legislature could convince me that this was anything more than an exercise, than I would be more than willing to participate in the exercise. But frankly, I don't see this Bill becoming law, and I wish that we didn't have to go through this. Thank you.

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to briefly respond. First of all, I agree with much that the good Senator from Franklin, Senator Webster said, and I think that is important to note. There actually are Bills that have been vetoed in the past and show a true philosophical difference in the two Parties. I couldn't agree more. In fact, you have seen lots and lots of those on this Calendar all year long, because we have reported those out Ought Not To Pass or Leave to Withdraw. Because I agree with that attitude of the good Senator from Franklin, Senator Webster has mentioned, I do not agree that this is one of those Bills. I firmly believed that this was going to be a Bill that was going to be a unanimous Report. We had a deal with one small issue, and that being a court case pending, and there was a concern about intervening, so, I let the court case be decided before I had it brought up in front of the Committee. We had all agreed that we should do this.

But lets just let the court case finish. This is not a major difference in philosophies. The Department of Labor supported the Bill. The Attorney Generals Office fought for the Bills intent in the law court, as well as in Superior Court. This is not one of those exercises. When we have those exercises, I will tell this Legislature that it is one of those exercises, because then you will know when it is truly a philosophical difference, and I don't expect it to go any further!

This is a Bill that is important. It clarifies what prior Legislatures and everyone else expected and intended, and fought as law. We were thrown a loop by the law court and the superior court because of vagueness of language. That is all for now. Thank you Mr. President.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I find the remarks from the gentlemen from Franklin, Senator Webster, very interesting concerning how we have to deal with issues if we are going to work together. I never for any moment believed that by working together that it meant that we have to back off on other issues when we don't agree with the good Senator from Franklin, Senator Webster. Obviously, that was never my intention on working with anybody else on getting along with the Budget, or anything else that we are going to deal with in this Senate. I think you approach this issue like you approach any other Divided Reports that we have had. This is not the first Divided Report that we have had. And just because it comes out of Labor, it shouldn't be treated any different than any other Divided Report that we have had.

We have had issues that have come before us, and sometimes we are philosophically opposed to one side or for a particular side. It doesn't mean that you can't argue, and fight, and debate your issue! It does not mean that if you lose you walk out with bad feelings towards people! I don't think that is what a Senator does. I don't think that is what it is

supposed to mean. Being in the Legislature is an honor. We are supposed to be an example to the rest of the people of the state, that we have the knack of compromising, that we have the knack of getting along, that we have the knack to pass legislation. But, it is never supposed to mean that if we lose an issue, you walk out with bad feelings.

One of the things that I remembered about this Legislature when I first got into it was, that you can get on the floor of either Body, and I started in the other Body, and now I am here, and debate with every strong conviction that you have, but when you walk out, you walk out knowing that you did your best, but you don't walk out with bad feelings towards your fellow Senators. You debate the issue. This is what we are going to do with this Bill, debating the issue. If it doesn't warrant passage, lets vote against it. If it warrants passage, lets vote for it. That is what being a Legislator is all about.

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

Senator **ESTY** of Cumberland requested and received leave of the Senate to withdraw his motion for a Roll Call.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The Chair ordered a Division.

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

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

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-159) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Concerning the Sales and Use Tax on Aircraft Parts"

S.P. 375 L.D. 1009

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-160)**

Signed:

Senators:

BOST of Penobscot
COLLINS of Aroostook

Representatives:

CASHMAN of Old Town
MAHANY of Easton
TARDY of Palmyra
MURPHY of Berwick
HEPBURN of Skowhegan
DIPIETRO of South Portland
DUFFY of Bangor
BUTLAND of Cumberland

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

Signed:

Senator:

ESTY of Cumberland

Representatives:

DORE of Auburn
NADEAU of Saco

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-160) **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 Appropriate Funds for the Save Loring Committee" (Emergency)
H.P. 1239 L.D. 1805

Which was **READ A SECOND TIME.**

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was not here the other night when you did the first reading of this Bill, so I wasn't able to voice my concern, and I don't have any thought that I am going to overturn that vote, nor in once sense do I want to, but I am

really incensed by the process. I am incensed that on the very night we turned down paying workers to work, we voted \$50,000 to save Loring by an emergency session of the State and Local Government Committee. I don't have any serious objections to \$50,000 to save Loring. I don't have any serious objections to that. The serious objection that I have is, that we couldn't find the money to pay the workers for working on Friday. And if we can't find that kind of money, we ought not to find \$50,000 to save Loring. We ought to find another way. As I understand it, in the emergency session of this Committee, held in an office on the third floor, the State and Local Government Committee agreed to pay two out-of-town employees. I don't know what their official titles are, but I do know that they are pretty high priced. I also know that they could have taken this job on a contingency. If we asked workers in a prison system, guards who are keeping people behind bars, who are protecting us, incentively, from getting out, and they don't get paid, how come these two high priced employees have to get paid out of this Budget? How come they don't have to prove themselves, and we can't pay them after the fact, if they win? How come? It is a sad day when we have that kind of ramrodding and we can't even pay our workers. That is absolutely incredible! I urge you to Table this Bill until we can find some money for the workers next Friday who have to work, because I think that is the right thing to do.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can understand how the good Senator from Kennebec, Senator Bustin, feels, because I feel the same way, also. I feel that it is tragic that we have to run our business this way. But, on the other hand, I think that we have to look beyond the moment. We have to look at what will happen if Loring should close. I am sure that you realize, but you weren't here for the original debate, just to reacquaint you with the figures, we have roughly ten thousand people that are associated with that Base, that work there directly or indirectly. It brings in something like 300 hundred million dollars a year to our local economy. They usually say that that kind of income, or any income will roll over three times, which amounts to nearly 900 million dollars. If you figure the taxes that the state is going to receive, it is between forty and fifty million dollars. I don't think that we can afford to kick that in the teeth for a principle that we can't do anything about at this time.

I suggest that we send this Bill on its way. It is very important to us in Aroostook, and equally important to the State of Maine. If we get that 40 to 50 million dollars a year, that can pay for many, many state workers. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't disagree with my good friend, the Senator from Aroostook, Senator Theriault on anything that he said, because I do believe that we should work as hard as we can to save

Loring. I do believe that we should do everything we can to preserve those jobs. I do believe that Aroostook County needs that kind of economic activity. I don't have any problem with that. I had a real problem with the Desert Storm. I wouldn't have gone over there, either. But I am real glad that we had the Forces, and we had the technology, and we had the ability to win that War. I am real glad of that. So, I am not against a Defense Base. This, in fact, is a Refueling Station. I don't have a problem with that. I don't have a problem with helping Aroostook County save that Base, none at all.

But, I have to tell you folks, I worked for U.S. Senator Edmund S. Muskie, and U.S. Senator George J. Mitchell, as a Field Representative for nine years. I think I have a faint idea of what the Federal Government does. Just a faint one, I grant you. But you know what? That decision is in the hands of the Federal Government, not the State of Maine! There is no guarantee that spending \$50,000 is going to save Loring! I don't mind trying! I don't mind asking these guys to come help! And I don't mind paying these guys on a contingency basis if they win! Let them put their money where their mouth is! Treat them the same way as you treat the state workers! That is all I am asking for, I am asking for some equity here! I doubt that those two people living in Washington, D.C., who think they have the expertise, and well they may to get the job done, I doubt that they are going to have to decide whether or not to buy a loaf of bread or a quart of milk because we don't pay them until they win the case. I doubt that very much! That, folks, is the issue. Not whether I want to save Loring or not! Not whether I want that \$50,000 to go to two men or not! But, the fact that we ought to take that same kind of action for people that you ask to work here, who are there taking care of your persons with medical illness, who are taking care of your people with mental retardation, and who are watching your prisoners in the institutions. That is what we are talking about.

Incidentally, we didn't even think it was worth it to raise the money that we usually raise selling beverage alcohol. We gave that up because it didn't hurt a thing, we gave it up. It is an old joke, and I won't say it, but you know that we have established what we are going to do and all we are doing now is haggling about the price, that is all we are doing. I say Table this Bill until we get some action on paying the workers who work in this state.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I know that most of you were here when we debated this issue the other day, and I regret that the good Senator from Kennebec, Senator Bustin, was not here at that time.

Just to refresh memories, I think that I pointed out the total cost of this effort is probably going to be in the neighborhood of \$250,000, not \$50,000, and that those numbers that I just mentioned were suggested to us by Senator Mitchell and Senator Cohen, who have had far more experience in this sort of thing than most of us people in Aroostook County. The money is going to be spent for a number of things. It isn't going to just buy attorneys.

Incidentally, the lead attorney firm is located in Maine, and most of the action is being coordinated by that firm. Some of the money does, obviously, go for expert witnesses. Now, these are people that do this, they don't do this on a contingency basis, because they happen to be an expert in strategic military affairs, and are well recognized in that field. You hire them for a fee, and they perform this service for you. We also have a great deal of transportation involved between here and Washington. We are also on a fast track, as I pointed out the other day, all of this is going to happen between now and July. We either make our case or we lose our case. I think that we have a very good chance of winning. I don't say that we will, but I think that the other day I mentioned that it was sure that it was at least a fifty/fifty chance, and I suspect that it is somewhat better than that.

This is important, and it does mean jobs, and it does mean income, or loss of income to the State of Maine. It is not just strictly an Aroostook County or a northern Maine issue. If ten thousand people lose jobs there, there will certainly be an increased demand for state services of all kinds, including all of the social programs and unemployment compensation. The best chance that we have for utilizing this facility is a Military one. If we fail there, obviously, we will explore other areas that can bring back some part of our economy in northern Maine, and we understand that. We understand the rules. We want to take the opportunity to play the best card, and the best card is to see if we can keep that Base open. I urge you tonight, to again do what you did the other night, and to support passage of this legislation. I remind you that people in northern Maine are spending a lot of their personal money, in municipalities, the county government, they are all participating. The amount that we ask from the State of Maine is a small part of the total package, but a very necessary one. So, I hope that you will again join in voting for the Grossment of this Bill.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel compelled, again, to rise this evening to speak about this particular piece of legislation. I think the good Senator from Kennebec, Senator Bustin raised a very interesting question, which was in the loss of revenues that the state faced on Friday afternoon because of the closure of the Liquor Stores in Kittery. The Kittery store alone was estimated at \$35,000, which would have gone a good ways to the price tag on this particular Bill. I think that state wide the estimate was about \$85,000.

I am not only concerned about that loss of revenue in such tight times, but I also question why the money for the "Save Loring Committee" did not come out of the Governor's Contingency Fund. I would have thought that would have been appropriate in light of the fact that we have a Governor's Task Force on Defense Realignment. Something else that also struck me rather interestingly, was the fact that this Bill was originally referred to State and Local Government. The more that I thought about it after our debate the other night, I thought that this is an economic development issue. It is a state wide

economical development issue. One of the things that has been seriously lacking in our discussion here in Augusta, has been economic development. We all hope that it is going to happen, that we are going to have a recovery. But, in terms of an overall strategy for economic development, rather it is with the defense industries, or whether it is with private industries, we don't have a real focus on that whatsoever. Fortunately, I have been following a piece of legislation that is before Housing and Economic Development. When I was down there the other day, I asked the question, "How come you people didn't get this Bill, because you are getting this Bill could have provided us with the forum to talk about the Defenses cutback impacts on the State of Maine in total, not just in separate." I look at this as being a "For me Bill", and not a "Musketeers Bill", that is all for one and one for all.

I still have problems with this Bill going through, and I still have not received a copy of the Governor's Task Force on Defense Realignment. I know that there are draft copies that are out. What I would challenge to the good Senators from Aroostook and to the other Senators here who represent communities that are going to be impacted by either current cutbacks or future cutbacks, that you meet in my Committee Room, in 124, Monday morning at 11:00 o'clock, and that we have copies of that Defense Realignment Report, and we decide what are we going to do as a state about this issue. I have great empathy with the situation that the people in Aroostook County feel about the anxiety that they feel about the future closing of such an important part of their economy. I know what they are going through. We have been going through it in my end of the state for almost two years now. But I urge anyone that is interested, that at 11:00 on Monday morning, in Room 124, downstairs, lets talk about some sort of state strategy on how we can handle this. 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 took a bunch of your time the other night to let you know my feelings about the process, and how the process was used in getting this Bill before the Body, and my objections to the same, were much of the same concerns that were expressed by the good Senator from Kennebec, Senator Bustin.

I have a question that I would like to pose through the Chair. My question is, this Bill appropriates \$50,000 to the "Save Loring Committee". I have before me a financial order signed by the Governor, which appropriates \$35,000 from the Contingency Account for this very same purpose. Is there anybody in the Body that can explain the expenditure of that money, and where that money is going?

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't know if I can respond fully. I know that the Contingency Account was being looked at because the Governor is performing some of the work through his staff along with efforts through the State Planning Office. And also I understand that there is a man assigned to work with the "Save Loring Committee" and the Congressional Delegation, and that he has some traveling and other duties to perform. I would assume that perhaps some of that money was designated for that purpose, but I cannot answer any more fully than that, because that is the extent of my knowledge about it. Thank you Mr. President.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. After reviewing this Order, which I would share with anybody who would care to see it, it was signed May 15th, approved by the Governor, and it states specifically that \$35,000, in addition to the \$50,000, apparently, that we are rushing through here, will also be appropriated to this Committee, the "Save Loring Committee". Now, the only explanation that I have had on where the monies would go, and this issue is different from process, which I think is my most major objection, but the only explanation that I have had on the \$50,000 is that it would, in fact, go to a General, or some retired Military person in Washington, D.C., to fight the good cause for Loring Air Force Base, a cause which I would support. This \$35,000, I do not know where this goes. I can only assume, based on what the statement of fact says here, that it also goes to these people in Washington.

Now I don't know how the Federal Government operates. The good Senator from Cumberland, Senator Clark, got up and expressed her thankfulness the other night that the Brunswick Base was not closed. And of course, being closer to that area, I share that concern, too. I truly believe that the only reason that that Base wasn't closed is, because now that Pease has been closed, that is a very convenient place for President Bush to land these days, which shows you the maniacal madness that goes into the decisions that are made in reference to these Bases. I think that Loring should be open as well as any other Base around. But what I believe that we are doing here, and this is how I would describe it, if we looked at Loring like it had cancer, which it does, it has been given a death sentence. I think we have the three best physicians in the country to treat it. We have got the Majority Leader, Senator Mitchell, we have got Senator Cohen, who is a ranking member of the Arms Committee, we have a twelve or six term Congresswoman from that District, who is also very influential in Washington. Spending \$50,000, now \$85,000, on some out-of-state experts, to me, is the equivalent of going to Mexico for cancer treatments. I really don't see how these people are going to do the job. What we have down there is government, in particular, elected officials that have managed to insulate themselves from the process. They have now set up a Commission, which takes the decision making and all the heat away from them. The Pentagon comes down with its list, this is who is going to be gone, goes to the Commission, they act on it, and they send to Congress a list, and you

either take it or leave it, so the Senators don't have to put up with pressure from people back in their home Districts. I think that is why the system has been set up the way that it is. The good Senator from Aroostook gives it a fifty/fifty chance. I wish them well. I wish the people of Aroostook well. I think that everyone in the State of Maine is pulling for them, but spending this type of new money on these consultants in Washington, which now appears to be \$85,000, and I don't know whether or not maybe more has been spent. Maybe more has been sent out of the Governor's Contingency Account. I don't know what else is out there. I would certainly like any answers to that if there is more money out there. I think that this is going down the road and sending the wrong message when we have to make such serious cuts in our own Budget. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to respond to the good Senator from Cumberland, Senator Conley. What road would you have us go down? What road would you have us travel, those of us who live any where near that area? What path are we supposed to take? We are told that the only chance that we have is to appeal to this Committee, because there is a process in this Committee, and I will agree with them, that Committee has agreed to insulate Congressmen. I think it is terrible. But, there it is! Now we are on that road, and I am told that the only way that you can change their mind is that you have to be able to convince those people. I am hoping that Senator Cohen, Senator Mitchell, and Congresswoman Snowe, who know people on that Committee can change their mind. That is one of the things that we hopefully have going for us, that they will try, and I trust that they will. But, other people say to us, "This isn't going to be done that way, it is going to be done on reasoning". Well, I was here last time this happened, ten years ago, on the same Committee, and the Bill came to us at that time. And they said to us, "There is not much hope, but we are going to give it a shot". So the Committee said, "Fine. We are with you, you are part of Maine, you are part of us, we are part of you, and we will appropriate some money". The same amount if I remember correctly. Now we are back there again. We have got to hire somebody in Washington. The last time they told us we had to do that, it worked. This time, the process is a little different, but there is an avenue there, apparently, where you can go and appeal to them, and in order to appeal to them, you have to make some logical, rational argument that militarily this Base makes sense over other Bases, namely Plattsburg, New York. What do we do? Do we have Freddy Smith from Smithsville walk in there and say, "Hey, this one makes sense to me. Why don't we hire someone that has some creditability, some background, some credentials, and who has a Military mind, and has a firm who does this kind of thing".

That is the kind of world, this is the kind of road that we are on. We are at risk, we have got to hire these people, and they apparently cost a lot of money. Apparently, they need quick money. As a matter of fact, I understand that one of the attorneys that they attempted to get in Washington was already taken, and the Governor said, "Well, I

will respond as quickly as I can, because I have got some monies that I can access quickly". Which was the \$35,000 in his Contingency Fund, because he thought Aroostook County and Loring was important enough to put that kind of money into it. I do, too. I absolutely do! So here we are, we are going to make an attempt. We may fail! But, what would you have us do? Not try? Can we say to the people of northern Maine, "Well, I guess we are not going to try this time". I think that it is fair for us to expect them to try, too. And you know what? They are! They have had a town meeting in Limestone and raised money. The Aroostook Delegation has raised money through their county budget and their Delegation Meeting. They are providing a lot of money for a population that they have, and they are now turning to the state, as so many other people have turned to this state, and asked if we would help them out. I understand, because I wasn't here, that was what was done the other night. But, just on the top of my mind, Keyes Fiber, Bath Iron Works in Portland, Pratt Whitney, I was here for them all, and I voted for them all, and there was only that once in my area.

So, I don't think that it is asking that much. It is a terrible time to ask for money for anything, and you can always hold this money to any cause that you might have, and I know that will happen. What would you have us do? I think that people in northern Maine deserve our attention. I think that people in southern Maine deserve our attention when the cause is right, and the time is right. And I have always been there for everybody.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hasten to add to the good comments of the good Senator from Penobscot, Senator Pearson, but the time was right for action by this Governor, and the State Department, and the Department of Economic and Community Development about a year and a half ago. It just amazes me that there seems to be a big smoke screen and mirrors game going on, and it is almost turning into a shell and peas game. And whoever can guess under which shell the pea is, ends up getting the attention!

We had an Air Force Base close in Newington, New Hampshire, in which Military people resided in Maine, in which civilians residing in Maine worked on that facility, and that closed, the first of the list of closures. This was the model of how the Federal Government was going to be handling this from here on in as we close more and more Bases. At one time, we had an associate Commissioner from the Department of Transportation that was sitting in as a Governor's Liaison to the Pease Development Authority. But, he was yanked back in November, and the Governor ended up appointing a private citizen, who hardly ever attends any of the meetings, and that is Augusta's presence to what is going on down in our area.

When we started to see the orders coming out of Washington that we were going to lay off workers at the Portsmouth Naval Ship Yard, which is in Kittery, that is when we started to make some noise. And in September, we had Mr. Silkman coming down, representing the Governor, and a Task Force on

Defense Realignment that was going to go all across the state and come back here with a plan on what to do in March. We found out about the Kittery meeting at Frisbee Junior High School, a day and a half before the meeting was supposed to take place! There was no press release ever issued to the newspapers or the radio stations. And luckily, we had a pretty effective call system, so at the afternoon meeting we turned out about sixty people. In the evening, we had about half of that many people turn out. And those citizens that did turn out were angry, because they didn't know before hand because they had a lot of things to say. We were promised that we were going to have that group come back and meet with us again. They never came back and met with us! Instead, they went off and met in the Bath/Brunswick area, and they had a pretty good reception there, because they had adequately given press notice and people came and talked. It related to the Brunswick Naval Air Station, it related to what was happening with potential impacts at BIW. From what I understand, when they went to Aroostook County to talk about Loring, there was less than a handful of people that showed up.

Now, I have been waiting for this report, and waiting for this report, and we have been getting the run around from my end of the state in a number of ways. Let me give you an example. We have four communities that have joined together in a coalition, called the KEYS Coalition, that is Kittery, York, Eliot, and South Berwick. And because we weren't getting any help up here, there was no money through DECD to help us out with readjustment, we went to the Federal Government. We put a grant into the Federal Government, which is with the Office of Economic Adjustment through the Department of Defense. We are asking for \$100,000, and the Committee members are going to kick in another \$25,000, and we are going to try and come up with an economic redevelopment plan. Because if we don't, we are not going to have any economic development, we are going to become the growing "bedroom communities" of southeastern New Hampshire. That means our housing costs go up, and our property taxes go up, and our services just become more and more demanding on municipalities. We have got potential to reach out to Biddeford, and to Sanford South, and see a major redevelopment of the economy away from our service based economy to one that could be business and industrial based.

We were told by the State Planning Office, "Play down that application, because we have one into the Department of Commerce, and we are going to take care of the whole state". Well, it took the efforts of myself, and the assistance of some of my constituents who got no where meeting one on one with different people from Augusta. I brought them up here and I got them all together a week ago Tuesday, and we sat down in the conference room in the Department of Economic and Community Development, and we talked to the people, and finally convinced them that we have got a case. Then we turned around that night, and we have got this Bill coming out, not going to the Committee that I think it should have properly gone to, not talking about defense realignment impacts on the state as a whole, and what kind of strategy we should have in meeting that challenge. We just continue to play games.

I am absolutely astounded, because I was told that there was no money in the Governor's Contingency Fund, and I am astounded to hear that there was that much money that was found. That is \$85,000, that is approximately the amount of money that we lost by having the state closed on Friday! I am mad! I am really mad about this, and I want some answers! If I don't have any answers from the Executive Branch about what is going on with this Defense Realignment Study by Monday noontime, I will do everything I can to make sure that we don't spend another cent, anywhere, until we get some cooperative action from everyone!

The President requested that the Sergeant-at-Arms escort the Senator from York, Senator **DUTREMBLE** to the Rostrum where he assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.

Senate called to Order by the President Pro Tem.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hadn't intended at all to address this issue. I have supported the efforts, particularly by the good Senator from Aroostook, Senator Theriault, in forwarding this issue. I think it is certainly critical to the individuals living up in Aroostook County, and I made the decision that the \$50,000, although, perhaps not the best way to spend that money if it were to result in favorable action, than it would have been worthwhile.

I must admit to being concerned about the revelation this evening from the good Senator from Cumberland, Senator Conley, that the Governor has an Executive Order appropriating \$35,000 from that Fund. I am concerned enough that I just ran some figures, because I was under the impression there wasn't a great deal of money left in the Contingency Fund. One would think in hard times that the account would have been just about depleted. The original balance in the Fund was \$1,350,000. We authorized expenditures from that Fund of \$404,020 through January 2, 1991, and then we transferred to the General Fund, in Public Law 1991, Chapter Nine, Part A - Section B, an additional \$550,000 from that Fund. That leaves a balance, if my figures are accurate, of \$395,980. If we subtract \$85,000, if the Senate is going to continue promoting this concept, if we subtract \$85,000 to pay for this consultant, that would leave a balance in the Governor's Contingency Fund of well over \$310,000. I guess I would pose a question to anyone who can answer as to why now, given this new information, we could not take the entire amount of money out of the Governor's Contingency Fund?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Bost, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **Theriault:** Thank you Mr. President. Ladies and Gentlemen of the Senate. A lot seems to have transpired in the last few minutes. I will say that my understanding of the Contingency Fund of a few days ago, that there was no money available for any assistance. I don't know what happened. It certainly came as a surprise to me, I had no knowledge of that whatsoever.

I think what we are looking at is a whole bunch of smoke. I don't want us to lose sight of the issue before us. The issue before us is \$50,000 for the "Save Loring Committee". We need that money to carry on the fight. There is only one thing for certain. Somebody that spoke previously mentioned guarantees. I know of only one guarantee in this game, and that guarantee is, if we do not do anything, it is quits for Loring, it is down the tube! It is \$300 million for the economy of Maine, multiplied by three is \$900 million, tax that, and it is between \$40 and \$50 million. That is what I know. I also know that in the past Loring was targeted for closure. We mobilized then and there, we got with it, and we were able to save Loring. Not only were we able to save it, the government put in a whole lot of additional money. Like I told you before, they built a brand new \$37 million hospital, spent millions on building a parallel runway to the existing runway, and spent money on renovating housing.

I think that we have a very good chance of saving Loring. We have a lot going for us, but those who are our Representatives in Washington, by the way, met in Limestone, and the auditorium was packed of interested and concerned people, and those Representatives told us what we needed to do. And we are doing it. Like has been mentioned by the good Senator from Penobscot, Senator Pearson, if you are going to hire someone to fight your battle in Washington, you hire someone that knows the score, and knows the language that will be spoken. And these people do not come for free. I think the time is now, we need to act now, we need to send this Bill on its way. It is not tomorrow, it is not Monday, it is now! Aroostook County took the action. We didn't wait until the following year, the time is now, lets do it, lets pass this Bill tonight! Thank you.

THE PRESIDENT PRO TEM: Thank you Mr. President. Ladies and Gentlemen of the Senate.

Senator **Carpenter:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I understand and feel for what the good Senator from York, Senator Estes is saying, being from that area myself. The big difference that I see between the two proposals, or Bases, is that Pease is closed and Loring is not. I think that we ought to do everything that we possibly can to help the Loring Base. I really doubt if anyone would even get severance pay up there if it closes.

THE PRESIDENT PRO TEM: The pending question before the Senate is **PASSAGE TO BE ENGROSSED**, in concurrence.

A Division has been requested.

Will all those in favor of **PASSAGE TO BE ENGROSSED**, 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.

22 Senators having voted in the affirmative and 5 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Enhance the Filing of Documents in the Registry of Deeds" H.P. 95 L.D. 136
(H "A" H-286 to C "A" H-229)

Bill "An Act Concerning Overboard Discharge Inspection Fees" H.P. 299 L.D. 420
(C "A" H-256)

Bill "An Act to Improve Energy Efficiency in Buildings" H.P. 561 L.D. 804
(C "A" H-218)

Bill "An Act to Define the Professional Responsibilities of Teachers" H.P. 671 L.D. 970
(C "A" H-244)

Bill "An Act to Amend the Charter of the Lubec Water and Electric District" H.P. 858 L.D. 1224
(C "A" H-250)

Bill "An Act to Prohibit the Breaking of Glass Products in Games of Skill" H.P. 880 L.D. 1271
(H "A" H-265 to C "A" H-246)

Bill "An Act to Authorize Involvement of the Department of Human Services in Providing School-based Child Care" H.P. 959 L.D. 1386
(C "A" H-251)

Bill "An Act to Restrict Unsolicited Computer-generated or Automated Telephone Calls"
H.P. 972 L.D. 1413
(C "A" H-261)

Bill "An Act to Amend the Charter of the Gray Water District" (Emergency)
H.P. 976 L.D. 1419
(C "A" H-260)

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
(C "A" H-252)

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

Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale"
H.P. 812 L.D. 1166
(C "A" H-204)

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

Sent down for concurrence.

Senate

Bill "An Act Concerning Public Representation on Professional and Occupational Boards or Commissions"
S.P. 444 L.D. 1188

Bill "An Act to Amend the Laws Regarding the Labeling of Seafood"
S.P. 583 L.D. 1536

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Concerning Energy Efficiency Standards for Subsidized Housing"
S.P. 204 L.D. 531
(C "A" S-151)

Bill "An Act to Revise the Laws Concerning Innovative Educational Grants"
S.P. 377 L.D. 1054
(C "A" S-152)

Bill "An Act Relating to the Finalization of Divorces"
S.P. 388 L.D. 1065
(C "A" S-142)

Bill "An Act to Allow the Suspension of Fines in Certain Cases"
S.P. 399 L.D. 1075
(C "A" S-144)

Bill "An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site"
S.P. 456 L.D. 1232
(C "A" S-149)

Bill "An Act to Amend and Improve the Laws Relating to Education"
S.P. 469 L.D. 1252
(C "A" S-153)

Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides"
S.P. 519 L.D. 1397
(C "A" S-146)

Bill "An Act to Enhance the Trapping of Beaver"
S.P. 535 L.D. 1424
(C "A" S-145)

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
(C "A" S-143)

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

Sent down for concurrence.

Bill "An Act to Foster Marine Research"
S.P. 450 L.D. 1226
(C "A" S-148)

Which was **READ A SECOND TIME**.

On motion by Senator **VOSE** of Washington, the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-148).

On further motion by same Senator, Senate Amendment "A" (S-164) to Committee Amendment "A" (S-148) **READ** and **ADOPTED**.

Committee Amendment "A" (S-148) as Amended by Senate Amendment "A" (S-164) thereto, **ADOPTED**.

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

Sent down for concurrence.

Bill "An Act Concerning Teacher Employment"
S.P. 500 L.D. 1338
(C "A" S-147)

Which was **READ A SECOND TIME**.

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

Bill "An Act to Make Revisions in the Marine Resource Laws"
S.P. 510 L.D. 1359
(C "A" S-150)

Which was **READ A SECOND TIME**.

On motion by Senator **VOSE** of Washington, the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-150).

On further motion by same Senator, Senate Amendment "A" (S-165) to Committee Amendment "A" (S-150) **READ** and **ADOPTED**.

Committee Amendment "A" (S-150) as Amended by Senate Amendment "A" (S-165) thereto, **ADOPTED**.

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

Sent down for concurrence.

ENACTORS

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

An Act to Clarify Ownership of Public Ways
H.P. 275 L.D. 395
(C "A" H-187)

An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes
H.P. 528 L.D. 756
(C "A" H-202)

An Act to Provide Greater Public Input into Public Lands Management
H.P. 589 L.D. 840
(C "A" H-190)

An Act Concerning Taxation of Time-share Condominiums
H.P. 593 L.D. 844
(C "A" H-189)

An Act Relating to Name Changes During Divorce Proceedings
H.P. 794 L.D. 1140
(C "A" H-188)

An Act to Promote Volunteer Emergency Medical Services through Changes to the Unemployment Laws
H.P. 866 L.D. 1246
(C "A" H-196)

An Act Relating to the Employment of School Board Members
H.P. 903 L.D. 1300

An Act to Change the Geographic Representation of the Maine Potato Board
H.P. 951 L.D. 1378
(C "A" H-194)

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

Emergency

An Act to Include the Testator's Birth Date in Statutory Living Wills
H.P. 77 L.D. 105
(C "A" H-186)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Appropriate Emergency Funds for the Maine Potato Breeding Program
H.P. 394 L.D. 568
(C "A" H-193)

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

Emergency

An Act to Establish the Maine Primary Care Residency Training Assistance Program
S.P. 374 L.D. 999
(C "A" S-106)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers
H.P. 139 L.D. 199
(C "A" H-185)

On motion by Senator PEARSON of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Emergency Resolve

Resolve, to Establish the Task Force on Local Public Employee Collective Bargaining
S.P. 342 L.D. 932
(C "A" S-108)

On motion by Senator PEARSON of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Assets of State Retirement Plans
S.P. 122 L.D. 224
(C "A" S-82)

On motion by Senator PEARSON of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

ORDERS OF THE DAY

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision"
H.P. 407 L.D. 590

Tabled - May 13, 1991, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-257), in concurrence

(In Senate, May 13, 1991, Committee Amendment "A" (H-257) **READ**.)

(In House, May 9, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**.)

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

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORT - from the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Reduce Littering"
H.P. 909 L.D. 1306

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-255)**.

Tabled - May 13, 1991, by Senator BALDACCI of Penobscot.

Pending - **ACCEPTANCE** of Committee Report, in concurrence

(In Senate, May 13, 1991, Report **READ**.)

(In House, May 9, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Committee Report, in concurrence.

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

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

Tabled - May 13, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, May 13, 1991, **READ A SECOND TIME.**)

(In House, May 8, 1991, **PASSED TO BE ENGROSSED.**)

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

The President Pro Tem 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 13, 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 President Pro Tem 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 13, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In Senate, May 13, 1991, Reports **READ**. **ACCEPTANCE** of Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.)

(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.)

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**.

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 **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act Concerning Discrimination under the Maine Human Rights Act and the Workers' Compensation Act"

S.P. 525 L.D. 1403

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Ensure National Standards of Care"

S.P. 560 L.D. 1464

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Reduce the Filing Fee for Jury Trials" (Emergency)

S.P. 631 L.D. 1679

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Provide Property Tax Relief Benefits to an Estate through an Executor, Administrator, Personal Representative or Heir When a Taxpayer Has Died"

S.P. 616 L.D. 1620

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act Concerning Exemption from Property Tax of Wetlands"

S.P. 623 L.D. 1627

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act Concerning Conservation Easements"

S.P. 624 L.D. 1628

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:

Reported by Senator **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act to Provide for Funeral Service Life Insurance"

S.P. 655 L.D. 1731

Ought to Pass As Amended

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act Relating to the Jail Operations Surcharge Fund"

S.P. 612 L.D. 1616

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-163)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-163) **READ** and **ADOPTED**.

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

Senator **BOST** for the Committee on **TAXATION** on Bill "An Act to Clarify the Tax Status of Nonprofit Hospitals, Nursing Homes and Boarding Homes"

S.P. 433 L.D. 1154

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-168)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Laws Governing Maine Veterans Small Business Loans to Include Veterans who Served in the Persian Gulf"

H.P. 1289 L.D. 1864

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

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

Bill "An Act Relating to Staff of the Maine State Retirement System"

H.P. 1279 L.D. 1849

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

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

Sent down for concurrence.

Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of the Federal Court Order in the Stripper Well Oil Overcharge Case and the Exxon Oil Overcharge Case" (Emergency)

H.P. 1295 L.D. 1872

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing"

H.P. 1294 L.D. 1871

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

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

Bill "An Act to Create the Board of Barbering and Cosmetology" (Emergency)
H.P. 1288 L.D. 1858

Bill "An Act to Prevent Certain Restraint of Trade Practices"
H.P. 1291 L.D. 1866

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

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

Bill "An Act Regarding the Parents as Teachers Program"
H.P. 1286 L.D. 1856

Bill "An Act to Forgive Indebtedness of a Certain School Administrative Unit"
H.P. 1290 L.D. 1865

Bill "An Act to Provide for Direct Reimbursement of Special Education Costs"
H.P. 1292 L.D. 1867

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

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

Bill "An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws" (Emergency)
H.P. 1296 L.D. 1873

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 the Commission to Study the Future of Maine's Courts"
H.P. 1280 L.D. 1850

Bill "An Act Concerning Authorization to Consent to Powers of Attorney"
H.P. 1287 L.D. 1857

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 Prevent Unsafe Operation of Trains"
H.P. 1278 L.D. 1848

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking
H.P. 1284 L.D. 1854

Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (Emergency)
H.P. 1285 L.D. 1855

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 Expand the User Fee at the Municipality Level"
H.P. 1281 L.D. 1851

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

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

Bill "An Act to Encourage the Development of Alternative Energy Sources"
H.P. 1282 L.D. 1852

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

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

Bill "An Act to Require Campuses of the University of Maine System to Obtain the Approval of Local Planning Boards, Sanitary and Sewer Districts and the Public Utilities Commission before Undertaking New Projects" (Emergency)
H.P. 1283 L.D. 1853

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

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

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

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on **TAXATION** on Bill "An Act Regarding the Forest Management Plan Requirements"
H.P. 1098 L.D. 1597

Reported that the same be **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

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

The Bill **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**, in concurrence.

ORDERS OF THE DAY

The President Pro Tem laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension"
H.P. 71 L.D. 99

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Tabled - May 16, 1991, by Senator **MCCORMICK** of Kennebec

Pending - **ACCEPTANCE** of Committee Report, in concurrence

(In Senate, May 16, 1991, Report **READ**.)

(In House, May 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Committee Report, in concurrence.

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

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act Relating to the Restoration of Drivers' Licenses"
H.P. 447 L.D. 637

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

Tabled - May 16, 1991, by Senator **CLARK** of Cumberland

Pending - **ACCEPTANCE** of Committee Report, in concurrence

(In Senate, May 16, 1991, Report **READ**.)

(In House, May 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Committee Report, in concurrence.

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Senator **BOST** of Penobscot 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 **ESTY** of Cumberland, **ADJOURNED** until Monday, May 20, 1991, at 5:00 in the afternoon.