

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

Senate  
May 22, 1991 to July 10, 1991

Index

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

Senate at Ease

Senate called to order by the President.

In Senate Chamber  
Wednesday  
June 12, 1991

Off Record Remarks

Senate called to Order by the President.

ORDERS OF THE DAY

Prayer by the Honorable Nancy Randall Clark of Cumberland.

On motion by Senator WEBSTER of Franklin, the Senate removed from the Tabled and Later Today Assigned the following:

**SENATOR NANCY RANDALL CLARK:** Let us be in a spirit of prayer. We come before you, O Lord, in response to Your Holy spirit, which has called us into fuller legislative service, and into even more responsive, stronger relationships with our constituents and all Maine citizens. Bless us with renewal this day, and Your grace. We need it. Amen.

Bill "An Act Proposing a License Cap to Manage the Lobster Fishing Effort Through the Limited Issuance of Licenses"

S.P. 365 L.D. 967  
(C "A" S-290)

Tabled - June 12, 1991, by Senator WEBSTER of Franklin.

Pending - FURTHER CONSIDERATION

Reading of the Journal of Tuesday, June 11, 1991.

(In Senate, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290).)

Off Record Remarks

(In House, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENT "A" (H-647) thereto, in NON-CONCURRENCE.)

PAPERS FROM THE HOUSE

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

Non-concurrent Matter

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Bill "An Act Proposing a License Cap to Manage the Lobster Fishing Effort Through the Limited Issuance of Licenses"

S.P. 365 L.D. 967  
(C "A" S-290)

Non-concurrent Matter

In Senate, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290).

Bill "An Act to Establish a Fund to Promote Lobster Marketing"

H.P. 818 L.D. 1172  
(H "A" H-572 to C  
"A" H-364)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENT "A" (H-647) thereto, in NON-CONCURRENCE.

In Senate, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "A" (H-572) thereto, in concurrence.

On motion by Senator WEBSTER of Franklin, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "C" (H-639) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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**Non-concurrent Matter**

Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission"

S.P. 508 L.D. 1346  
(S "B" S-343 to C  
"A" S-281)

In Senate, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-281) AS AMENDED BY SENATE AMENDMENT "B" (S-343), thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-281) in NON-CONCURRENCE.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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**Non-concurrent Matter**

Bill "An Act to Improve Motorcycle Driver Education"

H.P. 1026 L.D. 1499  
(C "A" H-457; H "A"  
H-582)

In Senate, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AND HOUSE AMENDMENT "A" (H-582), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AS AMENDED BY HOUSE AMENDMENT "A" (H-645) thereto AND HOUSE AMENDMENT "A" (H-582) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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**Non-concurrent Matter**

Resolve, to Study the Feasibility of a Statewide Health Insurance Program (Emergency)

H.P. 1184 L.D. 1727  
(S "A" S-312 to C  
"A" H-406)

In Senate, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AS AMENDED BY SENATE AMENDMENT "A" (S-312) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AS AMENDED BY HOUSE AMENDMENT "A" (H-640) thereto, in NON-CONCURRENCE.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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**Non-concurrent Matter**

Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (Emergency)

S.P. 743 L.D. 1935

In Senate, June 10, 1991, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-648) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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**Joint Orders**

The following Joint Order: H.P. 1353

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 115th Legislature:

Committee: Aging, Retirement and Veterans  
H.P. 374, L.D. 528  
An Act to Permit Portability of Teacher Retirement Credits

H.P. 711, L.D. 1016  
An Act Relating to Distribution of Retirement Benefits in Divorce

H.P. 926, L.D. 1323  
An Act to Establish the Maine Volunteer Firefighters Retirement System

S.P. 742, L.D. 1937  
An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System

Committee: Agriculture

H.P. 73, L.D. 101  
An Act Amending the Potato Branding Laws

H.P. 1163, L.D. 1704  
An Act to Prohibit the Sale and Distribution of Certain Milk Products

S.P. 696, L.D. 1861  
An Act to Expand the Membership of the Animal Welfare Board

Committee: Appropriations and Financial Affairs

H.P. 549, L.D. 786  
An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund

H.P. 1046, L.D. 1519  
An Act Authorizing a Bond Issue in the Amount of \$2,000,000 for the Purpose of Fostering Agricultural Development in the State

H.P. 1299, L.D. 1879  
An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy

H.P. 1322, L.D. 1913  
An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine

Committee: Audit and Program Review

S.P. 626, L.D. 1630  
An Act to Require Gender Impact Analysis as Part of All Audit and Program Reviews

S.P. 695, L.D. 1860  
An Act to Require the Preparation of Impact Statements

Committee: Banking and Insurance

S.P. 92, L.D. 177  
Resolve, to Provide Group Insurance Coverage to Maine's Foster Parents

H.P. 191, L.D. 284  
An Act to Amend and to Clarify Confidentiality Provisions in the Maine Insurance Code

H.P. 362, L.D. 516  
An Act to Include Smokers in Rehabilitation Treatment Insurance Coverage

S.P. 235, L.D. 626  
An Act to Require Insurers to Provide Insurance Coverage for Newborn Hospital Care

H.P. 507, L.D. 701  
An Act to Provide Community Rating of Health Insurance Providers

S.P. 289, L.D. 771  
An Act to Provide Coverage for Chiropractic Services under Health Maintenance Organization Plans

H.P. 596, L.D. 847  
An Act to Establish a Consumer Advocate for Insurance

H.P. 651, L.D. 925  
An Act to Ensure that Health Care Insurance Policies Offer Discounts to Nonsmoking Consumers

H.P. 683, L.D. 982  
An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists

H.P. 710, L.D. 1015  
An Act to Provide for Increased Coverage of Mental Illness by Group Health Insurance

H.P. 790, L.D. 1122  
An Act to Encourage Medical Cost Containment Measures by Enabling the Establishment of Preferred Provider Arrangements

H.P. 1064, L.D. 1553  
An Act to Provide Equitable Insurance Coverage for Mental Illness

S.P. 609, L.D. 1613  
An Act to Reform Maine Motor Vehicle Insurance

H.P. 1140, L.D. 1665  
An Act to Facilitate the Purchase of Insurance by Purchasing Groups

S.P. 654, L.D. 1721  
An Act Concerning Small Business Employer Health Coverage Reforms

S.P. 678, L.D. 1800  
An Act Concerning Insurance Coverage for the Diagnosis and Treatment of the Disease of Infertility

H.P. 1294, L.D. 1871  
An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing

Committee: Business Legislation

S.P. 369, L.D. 994  
An Act to Amend the Maine Traveler Information Services Laws

H.P. 1136, L.D. 1661  
An Act to Provide for Better Regulation of Commercial Driving Instruction Schools

H.P. 1217, L.D. 1775  
An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks

S.P. 688, L.D. 1829  
An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance

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

H.P. 1319, L.D. 1909  
An Act to Regulate Certain Warranty Practices for Repairs to Watercraft

Committee: Corrections (Jt. Select)

S.P. 518, L.D. 1396  
An Act to Establish the Maine Correctional Institution - Warren

H.P. 998, L.D. 1447  
An Act Transferring County Jail Operations to the State

Committee: Education

S.P. 72, L.D. 128  
An Act Concerning Federal Impact Aid for Education

H.P. 754, L.D. 1088  
An Act to Amend the School Finance Laws

H.P. 1152, L.D. 1677  
An Act to Recodify the Adult and Secondary Vocational Education Laws

S.P. 671, L.D. 1785  
An Act Regarding Reimbursement for Out-of-District Special Education Placements

S.P. 682, L.D. 1810  
An Act to Provide for the Orderly Transfer of Contracts from Union Schools to Separate School Systems upon Dissolution

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

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

H.P. 1316, L.D. 1902  
An Act to Establish a Professional Standards Board for Maine Educators

Committee: Energy & Natural Resources

H.P. 747, L.D. 1051  
An Act to Require the Department of Environmental Protection to Perform a Cost and Benefit Analysis of Permit Applications

S.P. 447, L.D. 1191  
An Act to Amend the State Ground Water Classification System and Implement the Maine Wellhead Protection Program for the Protection of Public Water System Wellheads

H.P. 892, L.D. 1289  
An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation

H.P. 950, L.D. 1372  
An Act to Establish the Environmental Appeals Board and to Amend Licensing and Permitting Procedures within the Department of Environmental Protection

H.P. 1040, L.D. 1513  
An Act Relating to Best Practicable Treatment Determinations in Air Emission Licensing

S.P. 587, L.D. 1540  
An Act to Improve Coordination of Municipal and State Review of Environmental Permits

H.P. 1062, L.D. 1551  
An Act to Supplement State Environmental Enforcement

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

Committee: Fisheries & Wildlife

S.P. 130, L.D. 232  
An Act Concerning Road Kills

Committee: Human Resources

S.P. 169, L.D. 403  
An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (Reported Pursuant to Resolve 1989, chapter 58)

S.P. 225, L.D. 579  
An Act to Appropriate Funds for At-risk Youths and Families

H.P. 620, L.D. 890  
An Act to Require the Department of Human Services to Have a Regular Presence in Every County of the State

H.P. 871, L.D. 1257  
An Act to Give Legal Effect to General Assistance Decisions Made by the Administrative Hearings Unit of the Department of Human Services

H.P. 977, L.D. 1420  
An Act to Establish a Special Housing Allowance for the Aid to Families with Dependent Children Program

H.P. 1054, L.D. 1543  
An Act to Penalize the Department of Human Services for Failing to Make Prompt Child Support Payments to Obligees

S.P. 590, L.D. 1562  
An Act Providing Nursing and Boarding Home Residents with a Right of Action for Violations of Their Resident Rights

H.P. 1125, L.D. 1650  
An Act to Establish Minimum Standards for Special Relief for Border Hospitals

H.P. 1233, L.D. 1797  
An Act to Establish a Trauma Advisory Committee and a Voluntary Trauma Reporting System

S.P. 720, L.D. 1910  
Resolve, to Establish the Alternative Living Community Program

S.P. 721, L.D. 1911  
 An Act to More Clearly Define the Role and Responsibilities of the Department of Mental Health and Mental Retardation (Reported Pursuant to PL 1989, chapter 501, Part BB, section 8)

Committee: Judiciary

H.P. 126, L.D. 171  
 An Act to Strengthen the State's Role in Drug-related Prosecution

S.P. 133, L.D. 271  
 An Act to Replace Certain Criminal Fines with Community Service

H.P. 207, L.D. 298  
 An Act Regarding District Court Location

H.P. 253, L.D. 344  
 An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions

H.P. 254, L.D. 345  
 An Act Relating to Surrogate Parenting

H.P. 359, L.D. 513  
 An Act Requiring the Provision of Information to Victims of Gross Sexual Assault

S.P. 343, L.D. 933  
 An Act to Promote Equity in Court Filing Fees

H.P. 660, L.D. 939  
 An Act to Provide Funding for Sexual Abuse Victims and Offenders

S.P. 421, L.D. 1133  
 An Act to Amend Sentences of Imprisonment for Class A Crimes Other Than Murder

H.P. 1025, L.D. 1498  
 An Act to Promote Gun Safety

H.P. 1041, L.D. 1514  
 An Act to Limit the Liability of Nonprofit Food Providers Who Supply Meals and Other Food to Low-income and Homeless Persons

H.P. 1061, L.D. 1550  
 An Act to Amend the Maine Indian Claims Settlement Laws to Clarify Land Use in Indian Territory

H.P. 1090, L.D. 1590  
 An Act to Establish the Maine Volunteer Service Act

H.P. 1093, L.D. 1593  
 An Act to Amend the Maine Health Security Act

H.P. 1129, L.D. 1654  
 An Act to Facilitate Criminal Enforcement of the Environmental Laws

H.P. 1172, L.D. 1713  
 An Act to Safeguard Money Held for Minors

S.P. 656, L.D. 1732  
 An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children

S.P. 665, L.D. 1751  
 An Act to Require that Restrooms are Accessible to Persons with Disabilities

H.P. 1198, L.D. 1754  
 An Act to Increase the Penalties for Trafficking in or Furnishing Scheduled Drugs

H.P. 1218, L.D. 1776  
 An Act Concerning Indian Territory under the Maine Indian Claims Settlement Laws

H.P. 1222, L.D. 1780  
 An Act to Provide More Effective Recovery of Child Support

S.P. 677, L.D. 1791  
 An Act to Clarify Implied or Legal Malice for the Purpose of Awarding Punitive Damages

S.P. 680, L.D. 1802  
 An Act to Adopt a New Article for the Uniform Commercial Code

S.P. 684, L.D. 1812  
 An Act to Discourage Motor Vehicle Theft

H.P. 1254, L.D. 1822  
 An Act to Allow Admissible Evidence Concerning the Physical or Sexual Assault or Abuse of a Minor

H.P. 1265, L.D. 1834  
 An Act Creating the Victims' Compensation Board

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

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

S.P. 704, L.D. 1875  
 An Act to Clarify the Role of Guardians Ad Litem and Visitors in Guardianship and Conservatorship Cases

S.P. 706, L.D. 1881  
 An Act Concerning Limitations on Actions for Penalties

H.P. 1318, L.D. 1905  
 An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings

Committee: Labor

H.P. 127, L.D. 172  
 An Act to Encourage Family Unity

H.P. 471, L.D. 665  
 An Act Concerning Prevailing Wages Established by the Department of Labor

H.P. 852, L.D. 1218  
 An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Less Than 6 Months

S.P. 465, L.D. 1248  
An Act to Amend the Municipal Public Employees Labor Relations Laws

H.P. 957, L.D. 1384  
An Act to Protect the Integrity and Enforceability of Collective Bargaining Agreements

H.P. 1132, L.D. 1657  
An Act to Open Teacher-employer Bargaining to the Public

H.P. 1180, L.D. 1723  
An Act to Protect the Health and Safety of Public Employees

H.P. 1278, L.D. 1848  
An Act to Prevent Unsafe Operation of Trains

Committee: Legal Affairs

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

H.P. 744, L.D. 1048  
An Act Authorizing Presidential Primary Elections in the State

H.P. 821, L.D. 1175  
An Act to Allow State Employees to Donate Funds to a Political Cause Through a Payroll Deduction Program

S.P. 506, L.D. 1344  
An Act to Protect Children from Illegal Tobacco Sales

H.P. 1011, L.D. 1479  
An Act to Protect the Copyright and Ownership Rights of Maine Artists

Committee: Marine Resources

H.P. 494, L.D. 688  
An Act Concerning the Scallop Dragging Limit

Committee: State and Local Government

H.P. 574, L.D. 825  
An Act to Clarify the Definition of State Employee in the State Employee Labor Relations Laws

H.P. 992, L.D. 1441  
RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure State Recognition of the Rights of Victims of Crime

H.P. 1235, L.D. 1799  
An Act to Clarify the Economic Impact Analysis in Administrative Rule-making Procedures

H.P. 1279, L.D. 1849  
An Act Relating to Staff of the Maine State Retirement System

H.P. 1305, L.D. 1887  
Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards on Local School Districts

Committee: Taxation

H.P. 367, L.D. 521  
An Act to Improve Collections of Sales Taxes on Mail Order Sales

H.P. 746, L.D. 1050  
An Act to Authorize a Regional Tax

H.P. 1119, L.D. 1644  
An Act to Amend the Maine Sales and Use Tax Law

H.P. 1168, L.D. 1709  
An Act to Promote Motor Vehicle Fuel Efficiency

S.P. 664, L.D. 1740  
RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Compensation when State Actions Diminish Property Values

H.P. 1320, L.D. 1906  
An Act to Create the Maine Economic Recovery Trust

Committee: Transportation

H.P. 218, L.D. 309  
An Act Regarding Truck Weights for Sand and Gravel Hauling

S.P. 189, L.D. 498  
An Act to Modify Weight Limits for Farm Trucks

H.P. 508, L.D. 702  
An Act Regarding the Relocation of Utility Facilities as a Result of State Highway Construction

H.P. 1033, L.D. 1506  
An Act to Amend the Farm Truck Registration Laws

H.P. 1066, L.D. 1555  
An Act to Establish Title for Snowmobiles and All-terrain Vehicles

Committee: Utilities

H.P. 1018, L.D. 1491  
An Act to Authorize the Public Utilities Commission to Regulate Rates for Cable Television

H.P. 1059, L.D. 1548  
An Act to Regulate Incineration Plants

H.P. 1118, L.D. 1643  
An Act to Protect Telephone Customer Privacy

H.P. 1124, L.D. 1649  
An Act to Promote the Access of Cable Television to Maine Citizens

H.P. 1135, L.D. 1660  
An Act to Establish the Electric Facilities Siting Council

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

S.P. 713, L.D. 1896  
Resolve, Directing the Public Utilities Commission to Analyze the Minimization of Electric Rates as an Integral Factor in the State's Least Cost Energy Plan

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



Which was **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE**.

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**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 **AGRICULTURE** Bill "An Act to Amend the Laws Pertaining to Horsemen's Purse Accounts and Racetrack Improvements"  
H.P. 246 L.D. 337

From the Committee on **AGRICULTURE** Bill "An Act to Revise the Harness Racing Laws"  
H.P. 282 L.D. 402

From the Committee on **AGRICULTURE** Bill "An Act to Allow the State Harness Racing Commission to Allocate Dates for a Period of 3 Years"  
H.P. 547 L.D. 784

From the Committee on **AGRICULTURE** Bill "An Act to Repeal the Sunset Provision of Simulcasting Laws"  
H.P. 582 L.D. 833

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Improve Records Management in Local Governments"  
H.P. 994 L.D. 1443

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act Authorizing Changes to the Budget Process in York County"  
H.P. 1196 L.D. 1749

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**Ought to Pass As Amended**

The Committee on **EDUCATION** on Bill "An Act to Improve Student Financial Assistance Services" (Emergency)  
H.P. 750 L.D. 1070

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-646).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-646).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-646) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River"  
H.P. 1329 L.D. 1920

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-643).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-643).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-643) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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The Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the Low-income Home Energy Assistance Program" (Emergency)  
H.P. 1333 L.D. 1924

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-652).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-652).

Which Report was **READ**.

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

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The Committee on **JUDICIARY** on Bill "An Act to Establish the Maine Revised Uniform Limited Partnership Act"

H.P. 1276 L.D. 1847

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-651)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-651) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Establishing Procedures for Notice of Proposed Zoning Changes"

H.P. 783 L.D. 1115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-644)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-644)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-644) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

The Committee on **TAXATION** on Bill "An Act to Improve Collections of Income Tax Due Upon the Sale of Real Property"

H.P. 689 L.D. 988

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-638)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-638) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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The Committee on **TRANSPORTATION** on Bill "An Act Amending Certain Motor Vehicle Laws"

H.P. 1209 L.D. 1765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-653)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-653) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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Senate

**Ought Not to Pass**

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

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Resolve, Establishing a Commission to Study the State of Maine Manual of Policy and Procedures for Maine State Employees Combined Charitable Appeal (Emergency)  
S.P. 661 L.D. 1737

An Act to Establish a Budget Process for Sagadahoc County  
H.P. 1193 L.D. 1746  
(H "A" H-607 to C "A" H-551)

**Ought to Pass As Amended**

Senator ESTY for the Committee on LABOR on Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel"  
S.P. 491 L.D. 1329

An Act to Amend the Tree Growth and Open Space Laws  
H.P. 1273 L.D. 1844  
(C "A" H-617)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-354).

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

Which Report was READ and ACCEPTED.

An Act to Ensure Early Intervention Services to Eligible Special Needs Children from Birth to Age 5  
H.P. 588 L.D. 839  
(C "A" H-615)

The Bill READ ONCE.

Committee Amendment "A" (S-354) READ and ADOPTED.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, As Amended.

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

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

**ENACTORS**

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

An Act to Amend the Maine Judicial Retirement System Laws  
H.P. 631 L.D. 901  
(C "A" H-618)

An Act Concerning the Franklin County Budget  
H.P. 15 L.D. 18  
(S "A" S-212 to C "A" H-225; H "A" H-610)

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

An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals  
H.P. 333 L.D. 463  
(C "A" H-483)

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland  
S.P. 446 L.D. 1190

An Act to Provide for the Regulation of Massage Therapists  
H.P. 978 L.D. 1421  
(H "A" H-601 to C "A" H-481)

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending ENACTMENT.

An Act to Regulate Sales of Malt Liquor in Kegs  
H.P. 1142 L.D. 1667  
(H "A" H-621 to C "A" H-490)

An Act to Amend Various Provisions of the Electricians' Examining Board Laws  
S.P. 503 L.D. 1341  
(C "A" S-176)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending **ENACTMENT**.

**Emergency**

An Act Relating to the Education of Homeless Students

S.P. 466 L.D. 1249  
(S "A" S-335 to C  
"A" S-274)

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

**Emergency**

An Act to Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters

H.P. 919 L.D. 1316  
(S "A" S-221 to C  
"A" H-312; S "A"  
S-334)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Remove Sunset Provisions on Laws Relating to the Labeling of Produce, Potato Variety Labeling and Blueberry Theft

S.P. 606 L.D. 1610  
(S "A" S-336 to C  
"A" S-225)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Encourage Business Investments

H.P. 1211 L.D. 1769  
(C "A" H-603)

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

**Emergency Resolve**

Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport

H.P. 1285 L.D. 1855  
(H "A" H-625 to C  
"A" H-538)

Comes from the House **FAILING OF FINAL PASSAGE**.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending **FINAL PASSAGE**.

Senate at Ease

Senate called to order by the President.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Construction, Purchasing and Renovation of Correctional Facilities

H.P. 559 L.D. 802  
(C "A" H-611)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Major Improvements and Renovations at State Park Facilities and the Restoration and Preservation of Historic Buildings

S.P. 705 L.D. 1876  
(C "A" S-325)

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**.

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

Senator **CLARK** of Cumberland was granted unanimous consent to address the Senate off the Record.

**ORDERS OF THE DAY**

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Encourage Increased Investment and Employment in the State

H.P. 1156 L.D. 1697  
(C "A" H-443)

Tabled - June 10, 1991, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In House, June 10, 1991, **PASSED TO BE ENACTED**.)

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443)**, in concurrence.)

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

Off Record Remarks

On motion by Senator **GAUVREAU** of Androscoggin, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the following matter:

**RECALLED FROM ENGROSSING**

Bill "An Act to Clarify Provisions of and Provide Funding for Toxics Use, Toxics Release and Hazardous Waste Reduction Programs"

H.P. 1171 L.D. 1712  
(C "A" H-580)

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580)**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 748, in concurrence.)

On motion by Senator **MATTHEWS** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-580), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-322) to Committee Amendment "A" (H-580) **READ** and **ADOPTED**.

Committee Amendment "A" (H-580) as Amended by Senate Amendment "A" (S-322) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

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

The Chair laid before the Senate the Tabled and Specially Assigned (6/10/91) matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities

S.P. 42 L.D. 66  
(C "A" S-292)

Tabled - June 6, 1991 by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, June 6, 1991, **READ A SECOND TIME.**)

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

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The Chair laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

Bill "An Act to Protect Consumers from Unfair and Deceptive Telephone Practices"

H.P. 1134 L.D. 1659  
(C "A" H-410)

Tabled - June 10, 1991, by Senator CLEVELAND of Androscoggin.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE**

(In Senate, May 30, 1991, **READ A SECOND TIME.**)

(In House, May 23, 1991, Report **READ.** Bill and Accompanying Papers **RECOMMITTED** to the Committee on **UTILITIES.**)

On motion by Senator CLEVELAND of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-410).

On further motion by same Senator, Senate Amendment "A" (S-348) to Committee Amendment "A" (H-410) **READ** and **ADOPTED.**

Committee Amendment "A" (H-410) as Amended by Senate Amendment "A" (S-348) thereto, **ADOPTED** in **NON-CONCURRENCE.**

Which was **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE.**

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

The Chair laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

An Act to Amend the Requirement that Contracts Be in Writing

H.P. 662 L.D. 941  
(C "A" H-465)

Tabled - June 10, 1991, by Senator CLARK of Cumberland.

Pending - **ENACTMENT**

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465)**, in concurrence.)

(In House, June 10, 1991, **PASSED TO BE ENACTED.**)

On motion by Senator GAUVREAU of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-465).

On further motion by same Senator, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-465) **READ.**

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. The amendment I am offering simply clarifies that this Bill would be constructive only, and only apply to contracts entered into after the effective date of this Bill.

On further motion by same Senator, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-465) **ADOPTED.**

Committee Amendment "A" (H-465) as Amended by Senate Amendment "A" (S-353) thereto, **ADOPTED** in **NON-CONCURRENCE.**

Which was, **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE.**

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

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The Chair laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

JOINT ORDER - the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program," to the House.

H.P. 1352

Tabled - June 11, 1991, by Senator PEARSON of Penobscot.

Pending - **PASSAGE**, in concurrence

(In Senate, June 11, 1991, **READ**.)

(In House, June 11, 1991, **READ** and **PASSED**.)

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would request assistance procedurally, because there is a Bond Issue currently being circulated in the process now that does exactly the same thing as this Joint Order would propose to do. Are we in a position to pass two possible Bond Issues, or should the other one be disposed of, and then perhaps deal with this one?

**THE PRESIDENT:** The Chair would advise the Senator that both can occur. The Legislative Body has the right to do whatever it decides by passing the Joint Order. If it so desires, the Legislature may consider two competing issues.

Senator CAHILL of Sagadahoc requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE**, in concurrence.

A Division has been requested.

Will all those in favor of **PASSAGE**, please rise in their places and remain standing until counted.

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

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Joint Order was **PASSED**, in concurrence.

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The Chair laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

Bill "An Act to Promote the Emotional Health of Children During Periods of Stress"

H.P. 210 L.D. 301

Tabled - June 11, 1991, by Senator GAUVREAU of Androscoggin.

Pending - **FURTHER CONSIDERATION**

(In House, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-478)** thereto.)

(In Senate, June 10, 1991, House Amendment "A" (H-478) to Committee Amendment "A" (H-407) **INDEFINITELY POSTPONED**. Committee Amendment "A" as Amended by Senate Amendment (S-315) thereto, **ADOPTED** in **NON-CONCURRENCE**. Subsequently, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, June 11, 1991, that Body **INSISTED**.)

Senator BERUBE of Androscoggin moved to **ADHERE**.

Senator BERUBE of Androscoggin requested and received leave of the Senate to withdraw her motion to **ADHERE**.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would first like to extend my appreciation to my good friend and colleague from Androscoggin, Senator Berube, who graciously withdrew her motion so that I can make my motion which at this time would be to Indefinitely Postpone L.D. 301.

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

Senator DUTREMBLE: Mr. President. A point of parliamentary inquiry. If we Recede and Indefinitely Postpone this Bill, with the other Body be in a position to amend this Bill and keep it alive?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Senator GAUVREAU of Androscoggin moved to **RECEDE**.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would urge the members of this Body to oppose the motion to Recede. It is my feeling that if we wanted to Recede in the same manner we have done in the past, we would want to Adhere, which would put this Bill in never, never land where it belongs.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. It was my intent to move the Indefinite Postponement of this Bill to end its querulous journey through these quixotic halls in this tempestuous month of June. There is no hidden agenda. Quite frankly, I do not approve or condone of those type of parliamentary maneuvers. I simply wanted to Recede so that I could Indefinitely Postpone the Bill and put on the Record the reasons for my rationale. Thank you.

Senate at Ease

Senate called to order by the President.

Senator GAUVREAU of Androscoggin requested and received leave of the Senate to withdraw his motion to RECEDE.

The same Senator moved to ADHERE.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is one of those strange Bills where having tried so hard to keep the Bill alive I now am having a hard time to end the Bill's life. It is probably a fair statement that when I began this legislative session in January, I had no way of contemplating that L.D. 301 would evoke such strong motive behavior by members of this elected Body or the citizens who besiege it for public response. The whole issue of parenting education is a difficult issue. I think it has great efficacy in terms of reducing the turbulence in young people's lives. It is a disappointment to many individuals that vote, as I do this year, that we could not adopt some legislation that would allow this pilot project to go its course, but there have been very many legitimate concerns raised by victims of domestic violence. I do believe this issue will come back again in subsequent years. Hopefully, when the issue is returned it will be in a form which is palatable and, in fact, would address the many concerns which opponents of this measure have raised. For these reasons, I am moving today that we Adhere to our former action and I thank all of those who took part in this debate. Thank you.

On motion by Senator GAUVREAU of Androscoggin, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

An Act to Amend Fire Insurance Premiums and the Schedule of Fees in the Office of the State Fire Marshal

H.P. 706 L.D. 1011  
(C "B" H-592)

Tabled - June 11, 1991, by Senator BOST of Penobscot.

Pending - ENACTMENT

(In Senate, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-592).)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

On motion by Senator BOST of Penobscot, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Off Record Remarks

The Chair laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine

S.P. 642 L.D. 1690  
(H "A" H-604 to C  
"A" S-308)

Tabled - June 11, 1991, by Senator ESTES of York.

Pending - ENACTMENT

(In Senate, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY HOUSE AMENDMENT "A" (H-604) thereto, in concurrence.)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise as prime sponsor of L.D. 1690, "An Act to Establish a Higher Education Loan Program and Make Certain Amendments to the Laws Effecting Education Programs of the Finance Authority of Maine." I sincerely wish that this Bill could be sent to the Appropriations Table and the \$10 million dollar Bond Issue that is requested for setting up the Higher Education Loan Program to be seriously considered in this session, and sent out to the people in the fall. The Appropriations Committee met and made their decisions on Saturday, and what I hope you will allow me to do today is to keep the program alive so that we can come back in the next session and consider the possibility of a Bond Issue to get this program up and started. One of the previous Bills that we took up today dealt with stress, and some of you who are veterans of the 114th Legislature will remember about this time two years ago we were going through quite a bit of stress over what was called "one stop shopping" for student financial assistance. We were fortunate to come out of the end of session with a compromise which set up a Student Transition Advisory Committee for financial assistance that would come back to the Second Regular Session with recommendations on implementing a program as part of FAME. Their report in December 1989 made a recommendation that a loan of last resort program be set up. In March of last year we enacted a legislative document that went before the Education



Committee that coordinated and consolidated student financial assistant services into the Finance Authority that has been up and running very well for over a year now. There was a second Student Financial Advisory Report that come in December 1990 with further recommendations. We have enacted legislation earlier in the day that was one of those Bills that proposed some changes, and this legislative document before us right now brought in some further changes, and the cornerstone of those changes was setting up this higher education loan program. The purpose was to provide an additional source of financial aide to help supplement existing sources of federal and state financial aide. It was to fulfill unmet needs. It was also a real cornerstone in the Governor's promise for "one stop shopping" not only two years ago, but also in the campaign last fall. I think you need to know that we have created some situations that are further complementing the ability of students to acquire adequate financial assistance because of the Budget considerations last spring, and because of some of the recommendations that we are looking at for pulling our biennial Budget in order and passage, is going to mean that the University System and Technical College System will be raising their tuition rates, and their room and board rates again for the second year in a row. We are also seeing some very serious threats to the federal programs. In fact, President Bush just recently recommended that the income eligibility be lowered to \$10,000.00. Only those whose family earns \$10,000.00 or less would be eligible for federal aide, and that would mean working class and middle class students would be left out there hanging in the wind as far as their unmet needs for financial assistance. We do have a supplemental program in the State of Maine today that is called the Maine Education Loan Authority Program, but that is a credit base. This program that we were proposing, rather than a loan of last resort, we preferred to call it the Help Program. After all other available sources of financial aide were used up, an individual could apply for this help loan, and the parents would have been required to contribute as much as reasonably possible, and to cosign notes where possible. The student had to be enrolling in either a Certificate Program in at least a one year duration or in an Associate or Baccalaureate Graduate Degree Program in an accredited institution of higher education. We had also thrown in another interesting qualification on there as an assurance that the student was going to be completing that certificate of degree in order to get a help loan, they would have to be maintaining a minimum grade point accumulative average of 2.0. I think this is an excellent and much needed program, and it will do much to fulfill the obligation that FAME, with its student financial aide assistance program is attempting to do, to make post secondary education opportunities available to the students of Maine. Thank you for allowing me the time for that explanation, and at this time I would move that the rules be suspended for the purpose of reconsideration.

On motion by Senator **DUTREMBLE** of York, the Senate **SUSPENDED THE RULES**.

On motion by Senator **ESTES** of York, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-308) as Amended by House Amendment "A" (H-604) thereto.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-604) to Committee Amendment "A" (S-308).

On further motion by same Senator, House Amendment "A" (H-604) to Committee Amendment "A" (S-308) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-352) to Committee Amendment "A" (S-308) **READ**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Very briefly the amendment which I have offered would strip the proposed bond issue from the Bill.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I couldn't let this opportunity go by without adding to the words of the good Senator from York, Senator Estes with regard to the issue of student financial aide. It is an issue that many of you will recall who were around last session that was contentious at the very least. We, through several weeks of intense deliberations, emerged with a well crafted "one stop shopping" concept under the Finance Authority of Maine. It wasn't easy getting to that point, but my sense at this point is that it has worked rather well. FAME has risen to the challenge that we charged them with, and they have taken their job very seriously, and if the students and parents in my District, and I have many of them, and they have been equally satisfied with the treatment and the services that they have been provided with by the Finance Authority of Maine. I was privileged to serve on the Student Financial Aide Transition Advisory Committee, which essentially was charged with the transition from the existing student aide entities, some within the Department of Education and some without. We spent considerable time, as the good Senator from York, Senator Estes eluded to in his remarks on the "loan of last resort". The "loan of last resort", as we defined it, provided a source of additional financial aide, should all other available sources be exhausted without meeting all legitimate unmet needs for post secondary study. There was debate back and forth as to whether this was a good idea conceptually, whether the term "loan of last resort" was a bit of a misnomer. The Transition Advisory Committee indicated in this report that that title was misleading and confusing. Nevertheless, we coalesced around the notion that we must provide some mechanism to address those students and families that fall between the cracks. You can call it "loan of last resort", or you can call it something else, and we recommended to FAME that they investigate the

establishment of an auxiliary aide program. That is what you have before you. That is the issue that came out of the Education Committee. I think it is noteworthy. We have to address it at some point. Equally noteworthy, and really the reason for my rising here today is, to remind members of this Body of a campaign pledge. We all make campaign pledges of one sort or another, but a campaign pledge that was made by the successful gubernatorial candidate in 1990. I paraphrase, but I heard it over and over and over again. I assumed that someone would make good on the pledge that no student wishing to pursue higher education should be denied access to that education because of financial means or lack thereof. By doing what we are doing today, we are following the lead of the individual that made that pledge, and pulling the rug out from under the very students and families that I thought we were charged to help. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-352) to Committee Amendment "A" (S-308) **ADOPTED**.

Committee Amendment "A" (S-308) as Amended by Senate Amendment "A" (S-352) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine"  
H.P. 1149 L.D. 1674  
(C "A" H-569)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569) AS AMENDED BY HOUSE AMENDMENT "A" (H-642)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

**Emergency Resolve**

Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes

S.P. 675 L.D. 1789  
(C "A" S-316)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316)**.

In House, June 11, 1991, **FINALLY PASSED**.

In Senate, June 11, 1991, **FAILED OF FINAL PASSAGE** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

Off Record Remarks

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, the Senate **RECEDED** and **CONCURRED** to **FINAL PASSAGE** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

June 11, 1991

Honorable Joy J. O'Brien  
Secretary of the Senate  
115th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to insist on its former action whereby it failed to enact An Act to Increase Mobile Home Park License Fees (EMERGENCY) (H.P. 392) (L.D. 566) (C. "A" H-556).

Sincerely,

S/Edwin H. Pert  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

June 11, 1991

Honorable Joy J. O'Brien  
Secretary of the Senate  
115th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Bridge" (S.P. 530) (L.D. 1408).

Sincerely,

S/Edwin H. Pert  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

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

**COMMUNICATIONS**

The Following Communication: S.P. 753

**115TH MAINE LEGISLATURE**

June 12, 1991

Senator Donald E. Esty, Jr.  
Rep. Edward A. McHenry  
Chairpersons  
Joint Standing Committee on Labor  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John B. Wlodkowski of Augusta for appointment to the Maine Unemployment Insurance Commission.

Pursuant to Title 26, MRSA Section 1081, this nomination will require review by the Joint Standing Committee on Labor 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**.

Senate at Ease

Senate called to order by the President.

Which was **REFERRED** to the Committee on **LABOR**.

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

**ORDERS OF THE DAY**

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

Bill "An Act to Establish a Fund to Promote Lobster Marketing"

H.P. 818 L.D. 1172  
(H "A" H-572 to C  
"A" H-364)

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "C" (H-639)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **VOSE** of Washington, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of Committee Amendment "A" (H-364) as Amended by House Amendment "A" (H-572) thereto.

House Amendment "C" (H-639) to Committee Amendment "A" (H-364) **READ**.

On further motion by same Senator, House Amendment "C" (H-639) to Committee Amendment "A" (H-364) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of House Amendment "A" (H-572) to Committee Amendment "A" (H-364).

On further motion by same Senator, House Amendment "A" (H-572) to Committee Amendment "A" (H-364) **INDEFINITELY POSTPONED**, in concurrence.

On further motion by same Senator, Committee Amendment "A" (H-364) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-355) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED**, as **Amended** in **NON-CONCURRENCE**.

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

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

Bill "An Act to Improve Motorcycle Driver Education"  
H.P. 1026 L.D. 1499  
(C "A" H-457; H "A" H-582)

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AND HOUSE AMENDMENT "A" (H-582)**, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AS AMENDED BY HOUSE AMENDMENT "A" (H-645) thereto, AND HOUSE AMENDMENT "A" (H-582)** in **NON-CONCURRENCE**.)

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (Emergency)  
S.P. 743 L.D. 1935

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 10, 1991, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.)

(In House, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-648)** in **NON-CONCURRENCE**.)

On motion by Senator **MCCORMICK** of Kennebec, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

**JOINT ORDER - ORDERED**, the Senate concurring, that specified matters be held over to any special or regular session of the 115th Legislature:  
H.P. 1353

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE**

(In Senate, June 12, 1991, **READ**.)

(In House, June 11, 1991, **READ** and **PASSED**.)

On motion by Senator **CLARK** of Cumberland, Senate Amendment "A" (S-357) **READ** and **ADOPTED**.

Which was **PASSED**, as **Amended** in **NON-CONCURRENCE**.

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

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

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland  
S.P. 446 L.D. 1190

Tabled - June 12, 1991, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, June 11, 1991, **PASSED TO BE ENGROSSED.**)

(In House, June 11, 1991, **PASSED TO BE ENACTED.**)

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **PEARSON** of Penobscot, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED.**

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On motion by Senator **PEARSON** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland  
S.P. 446 L.D. 1190

Tabled - June 12, 1991, by Senator **PEARSON** of Penobscot.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, June 11, 1991, **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED.**)

(In House, June 11, 1991, **PASSED TO BE ENACTED.**)

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "A" (S-358) **READ.**

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As much as I hate to do it, this Bill needed a fiscal note, and this places the fiscal note on it, and now it must make the route again.

On further motion by same Senator, Senate Amendment "A" (S-358) **ADOPTED.**

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

The same Senator requested a Division.

On motion by Senator **PEARSON** of Penobscot, Tabled until Later in Today's Session, pending the motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE.** (Division Requested.)

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

Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport  
H.P. 1285 L.D. 1855  
(H "A" H-625 to C  
"A" H-538)

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **FINAL PASSAGE**

(In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto, in concurrence.)

(In House, June 11, 1991, **FAILED OF FINAL PASSAGE.**)

Senator **TWITCHELL** of Oxford moved **FINAL PASSAGE.**

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **TWITCHELL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move Enactment of L.D. 1855 and would like to speak to my motion. This morning on the way to session I stopped at my local coffee shop, and I picked up the Lewiston Sun, and to my surprise I found on the front page that my little Oxford Airport Bill had been killed, defeated last night. This Bill means a lot to me, it is my little airport in the Oxford area. All this is, is a County Bond Issue Bill. It is not a State Bond Issue Bill. It means jobs in my area, it would help the economy in my area, and best of all it is my Bill. We need it, and I urge the members of the Senate to rise above the politics and would stop fighting, and lets do the right thing and help my people. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I also would concur with the Senator from Oxford, Senator Twitchell. We should enact this Bill. We had this in our State and Local Government Committee, and we had a long Hearing, and had at least two good Work Sessions on the Bill. The Bill you have before you is an amended version, and it addresses some of the concerns that were expressed to us. Namely, who would be responsible, would the county have to pay the interest and principal, or would the municipalities have to do that? These have all been addressed by Committee Amendment "A" (H-538), which says explicitly that, "The company which will borrow the money would be entirely responsible". The citizens have no fiscal responsibility, first of all. Secondly, it allows this company to access federal dollars by September 1st. They are to be allocated to these people to expand the business that they have now. It is also my understanding that currently there are some 15 or 18 people who are employed, and with the influx of new dollars, these new jobs will expand to a little over one hundred. What they would be doing is utilizing these monies to equip and renovate aircraft. It is a real good business that is starting in that area. The other amendment that is attached to this in the House, and it nearly says that two-thirds of the Oxford Legislative Delegation should be apprised and should set in as an advisory group to the company. I am solidly behind this Bill. 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, too, had the opportunity to read the Lewiston Sun this morning, and was equally as shocked as was the Senator from Oxford, Senator Twitchell about the demise of this Bill from the other Body, and I would echo the concerns of that good Senator, and the good Senator from Androscoggin, Senator Berube that we should pass this Bill, and hope that calmer heads prevail in this Body. Thank you.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President in **NON-CONCURRENCE**.

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

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The Chair laid before the Senate the Tabled and Later Assigned (6/11/91) matter:

An Act to Amend the Liquor Laws  
H.P. 1264 L.D. 1833  
(C "A" H-545)

Tabled - June 11, 1991, by Senator **BUSTIN** of Kennebec.

Pending - **ENACTMENT**

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **BUSTIN** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-545).

On further motion by same Senator, Senate Amendment "B" (S-360) to Committee Amendment "A" (H-545) **READ**.

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

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you will not allow this amendment to go onto this Bill. This amendment if it goes onto the Bill would in essence kill this Bill. I would hate to see that happen. If this amendment was to be put onto this Bill, it would increase license fees for mom and pop stores throughout this state that currently have a beer and wine license of up to 40%. I would hate to see that happen. I hope that you will defeat this amendment so we can go on and pass the Bill to allow a product that has less alcohol content than what we currently allow to be put onto the market. I hope that you will vote against this motion. 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 offer this amendment with a great deal of trepidation and this is an important issue. It is an issue of how available alcohol is to our young people. It is not an easy issue. I frankly don't want this amendment. I don't want this Bill. I want this to just go away. That isn't what is happening. I know that the deck is stacked against me in getting a vote to defeat this Bill. This is not an amendment to kill the Bill. If you think that licensing for sale of spirits in grocery stores is an amendment to kill a Bill, then something is drastically wrong. When I offer this amendment I know what I am doing. What I am really doing is killing the Bill, I am putting a toe in the door to be able to have liquor sold in grocery stores. I don't really want to do that, but I don't see any other way to control this knowing what the vote would be on killing this Bill. The amendment

nearly requires, as the statement of fact says, that those people preferring to sell spirits in grocery stores, which understands has never ever been done before in the State of Maine, can do so. Yes, we sell malt liquor in the grocery stores with a malt liquor license. Yes, we sell wine in stores, only to a certain level, but requires a wine sales license. Now what you want to put into law is a Bill that allows you to sell spirits. It doesn't matter whether it is 2%, 4%, 5% or what it is. It is liquor. The little label on the bottle says Bacardi Breezer. Everybody in the world knows what Bacardi is. It is there, and is in place in what you are suggesting by the Bill itself if you don't go along with the amendment that is to be sold without any control. I say that is wrong. I don't think it is right to do that. We already have the capability of selling this product within the established outlets in this state. They are called state liquor stores and agency liquor stores. What you are doing with this Bill, is asking for by the proponents own figures for 2,000 more outlets for spirits. Ladies and gentlemen, that is 2,000 more outlets. Sure it brings in more money. Sure it brings in more tax money. All of that is true. It is also true that it will do that in the agency and state liquor stores. I would prefer to see that, but if you insist, as I think you are that this Bill go through, and that grocery stores be allowed to sell spirits, then please allow the amendment to go on so than they can at least be licensed. They have to get another license in order to sell spirits. It is a three tier system now. What you are doing with this is breaking that up if you don't put on the amendment. It is my way of thinking that it is very important that we do that. I am sorry that proponents feel that this is a way to kill the Bill. I guess that they will have to explain that to me because I don't really understand it. I would dearly love to kill it, but I know that I can't. Please accept this amendment and let the licensing take place as I feel that it should and lets get on with it. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise in opposition to this amendment. This Bill was unanimously reported out of the Legal Affairs Committee as Ought to Pass as Amended. It certainly does deal with the issue of bringing spirit based products into the grocery stores. There is no denying that, and I feel that I am at least in partial agreement with the Senator from Kennebec, Senator Bustin. This is liquor. There is no question, but in this particular form it is one of the lowest alcohol content products available in the state, but nevertheless, it was liquor, and the Committee recognized that, which is why it is under this piece of legislation and would be taxed under five times the rate of beer. It would be at the sparkling wine rate which is \$1.24 a gallon, and for the privilege of putting this product in the grocery stores, the Committee then tacked an additional thirty cents per gallon premium tax on this item. I urge you to not to accept this amendment. Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to respond to some of the comments made by the good Senator from Kennebec, Senator Bustin about this Bill in general and the amendment. I hope that it is clear to everybody here about what she was just mentioning here, that this would allow a product with less alcohol than what we currently allow to be sold as wine coolers in this state. Currently, wine coolers that are on the shelves have approximately 5% alcohol. This Bill would say that these Bacardi Breezers would be allowed to be sold under the same license at a higher tax rate with less alcohol. I do have a hard time understanding the good Senator from Kennebec, Senator Bustin's reasons for opposition to this, because it is less alcohol taxed at a higher rate. I do have a hard time understanding why someone would be opposed to this Bill. I really do. You are asking us to put on an amendment to this Bill that would increase the licensing fee for most places to sell this product. We looked at the issue. One of the issues that was brought up to us when this Bill first came up was the fact that the people who were in opposition to this basically as most of you know you have received Anheiser Busch letters on your desk. One of the major reasons they gave for why they were against this Bill was, the idea that it was going to be different was that it would be liquor verses wine. The Committees main emphasis was alcohol content. What is the reason why we allow wine and beer to be sold in grocery stores? I think if you look at it, and look at what the alcohol policy of this state is, it is because of the amount of alcohol that is in those products. It is a low amount of alcohol. This product is going to be less than what we currently allow in wine coolers. We are going to tax it at a higher rate. Again, I want to make sure that everyone understands that. When this Bill originally came in, it was opposed by groups such as the Christian Civic League. They have withdrawn their opposition to the Bill since we have reported it out because we worked hard on it. We put a lower amount of alcohol and taxed it higher. If we go along with this amendment by the good Senator from Kennebec, Senator Bustin, we would be raising the fee that you charge those places that have beer and wine by 40%. I don't think we want to do that. The Committee said rather than do that, lets tax the product itself at a higher rate. The stores don't have to have that tax rate go onto them as a fee. It would be passed onto the consumer. If the consumer doesn't want to buy that product, they don't have to. They can buy the wine cooler that is a higher content of alcohol. I would hope that you would reject this so we could go on and pass the unanimous Committee Report and move forward. 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. It seems to me that the two previous speakers are addressing the Bill rather than the amendment. That is a debate on the Bill, and it is only the amendment before us. The amendment is to ask that you license spirits in the exact same way that you license beer and wine. If, in fact, it is true that it is a burden on grocery stores to buy another license, then why didn't the Legal Affairs Committee while discussing this particular issue say that the grocery stores should only have one license to sell all of the liquor

products? I do not see that in the Bill. Absent that, it seems to me that you have to add that third license, because you have that three tier system. That is on the amendment, not on the Bill. There are lots of arguments about the Bill that I can make, but we are talking about the amendment right now. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Again, I turn to the Senator from Kennebec, Senator Bustin's point that this is a different product. It is a different product, it is taxed differently than any other product that is currently available. There is no need for this amendment. I would just like to point out that when the state originally allowed sales of low percent wines in outlets other than state stores across the state, that decision was made. These products have the lowest percent of alcohol in the state. The state currently allows low alcohol products to be sold in the state. These people came in with a proposal that they wanted the rules altered, and we charged them. We made them pay for this. This again is taxed at five times the rate of beer and wine. To add an additional \$150.00 fee to a mom and pop store, how many cases of this product are they going to have to sell to realize that \$150.00? Somewhere down in the southern part of the state that may not be a problem, to the little guy, the working people of this state, that could be a tremendous hardship, and under the current Bill, they would be paying as they go, and that would be paying the additional taxes. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would agree with my two fellow Senators from the Legal Affairs Committee, and I urge you to defeat the amendment which is before you and to go with what the Committee has recommended. It is an unanimous Committee Report. Actually, allowing this lower alcohol content beverage to be sold in a regular store might encourage the imbibing of a beverage with less alcohol, and I also would like to point out after hearing the debate, that we do have four to five wines sold in the state stores or agency stores instead of at a regular store, so that already is an inconsistency that I just wanted to point out to the sponsor of the amendment. 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. One of the reasons that I will be supporting this amendment today that is offered by the good Senator from Kennebec, Senator Bustin is, that I think there is another issue involved here that really hasn't, with much dismay I must admit on my part, gotten much attention from the members of the Legal Affairs Committee, and that is what is the marketing thrust here. Why is the alcohol industry offering these products? I will give you one opinion. This is purely a laymans opinion, but take it for what it is worth. I believe that they are targeting these

products because they are targeting a younger audience. A younger group of drinkers. The effort that has been made nationally to deal with the problems of alcohol abuse, especially among our younger generation has been a real concern to the industry. They have to make sure that there products are sold. They are under a frontal attack from all corners of our country. They have come up with these kinds of ideas to lower the alcohol content of beverages. Unfortunately, many young kids have gotten into serious problems because of these types of beverages and the lack of control. Serious accidents have happened. We have had tragic deaths involved in states. One state, and the good Senator from Kennebec, Senator Bustin will, I am sure remember this, there was a bulletin from the National Council on Alcoholism about a product that was a lower alcohol content product where a death occurred in California, because kids don't realize what they are drinking, and it looks good, and it is really fancily packaged, and it tastes like some kind of a fruit drink. And guess what, these people are then getting behind the wheel and their blood alcohol level is above where it should be, and accidents are occurring. I have some real concerns because I think that at least in my opinion, and the opinion of reputable organizations in Washington and in Maine called the National Council on Alcoholism, the message is pretty clear, they are targeting these products at younger Americans. My question to the Legal Affairs Committee is this. What control over this product will we have without a licensing procedure? Is it not the charge of the Legal Affairs Committee to be the Committee of Jurisdiction. The concerns, when it comes to alcoholic beverages, not only of allowing private enterprise to do its thing, but also keeping a historic commitment to the people of this state to control alcoholic beverage sales, and not let unleashed on our state rampant kinds of promotional activities that will have a agency store on every street corner. That is my question to the Legal Affairs Committee. Where is the control? Is that not your charge? Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to make it clear that if you were to defeat this amendment, and since the question was just asked to me about control, you would still have to have a license in order to sell this product. It does not change anything within the state as far as whether or not you have to have a license. The point is, if you were able to sell wine, as in wine or wine coolers, in this state you would also be able to sell this product, which again has less alcohol in it than the products that you already have the license for out there, it is going to be taxed at a higher rate. If you want to talk about control, it is still the same people, still the same liquor enforcement people who would be out there, all of the same controls that we currently have in the state of Maine on people who sell wine in the state of Maine. Again, we put in a special category for this product, and there we have the tax instead of licensing it, because you would have to put an extra charge on the person who has the grocery store. You still get the money, as a matter of fact, you will probably get more money, and it is a less alcoholic content product. Thank you.



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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am glad we are finally addressing the licensing issue, because as I read the Bill, and I may be missing it and someone can point that out to me, but as I understand it, first let me say that I did not support the wine coolers either. I don't think it is an appropriate place to sell any alcohol. That is all right. That is what we have and I accept it, but at least it is controlled. The wine coolers are sold under the wine license. All I am asking for in this amendment is, that spirit coolers or breezers, or whatever you want to call them be sold under the spirit license. If that is too much for people who want to make all this money that is going to be made when they are selling this product, then it seems to me that they can afford that \$150 or whatever it is that is going to be required for selling this product. That is the only thing that I am talking to you about. Since we are not only talking about the amendment, but also the Bill, let me just remind you what is happening, and it has saddened some of us that have worked for eleven years on these issues and more I suspect before I was here. We worked extremely hard. Last year we undedicated the Alcohol Premium Fund. We didn't undedicate the Highway Fund. We essentially, for all intensive purposes, did not undedicate the Fish and Wildlife Fund. We undedicated the Alcohol Premium Fund. That has had a tremendous impact on that field. That is one invasion of this commitment that I thought this Legislature was making throughout the years that I have been here. The ones that are happening today are your invasion of the OUI Laws that we ourselves put on the books here, and now you are invading those. Now you further want to invade by making more alcohol available in whatever form into more outlets. Fine, if you want to do that, but you suggesting that you don't license them while you do it. Would somebody please explain to me how the officer who goes out there to look at the beer and wine which they have licenses for, what authority do they have to look at these new breezers? They are not licensed under the spirits law, and I don't see anything in here that tells me they are licensed under beer or wine. That is the issue for me right now. Lets talk about rural access since that was brought up. It has been graduation time and I am not sure that I have kept track of the papers if any graduates have been killed on the highways, or with accidents with drinking, I can't imagine they aren't. I do know of three boys who were killed on the Maine Turnpike going 120 miles per hour for their graduation. They resided on Riverside Avenue, right now only they are under a marker. Their parents go every day to put their flowers on. I am not saying that putting breezers in grocery stores is either going to stop that or exacerbate it. I am not saying that because I don't know. I know enough having raised children that when kids want to get liquor or alcohol they will get it. I just want to do everything in my power not to make it so available to them. I do know that I am never going to stop it. I do know that I can make it as hard as possible for it to happen. When a hundred and sixty-five pound man, and you can interpret that to be a teen-ager or an adult, yes, I know that they can't buy it legally, but that doesn't mean they can't get it and they

don't buy it. When a hundred and sixty-five pound man has drunk six of those breezers and they are very expensive, I didn't do the cost factor, but they are very expensive, much more expensive then you will buy in the state stores. For every two of those breezers you will have one ounce of alcohol. For a six pack you are going to have three ounces. The DAC for teen-agers is two. You will have a DAC of .06. Sorry about that. Even though it is illegal for them to have it or bought it you will still have the .06. That is for a one hundred and sixty-five pound man, a lot of teen-agers are a lot less weight than that. They will be over the .02 that is legal for them. Interesting. I really hope that you will consider this very seriously. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-360) to Committee Amendment "A" (H-545).

A Division has been requested.

Will all those in favor of the motion by Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-360) to Committee Amendment "A" (H-545), please rise in their places and remain standing until counted.

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

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion of Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-360) to Committee Amendment "A" (H-545), **FAILED**.

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. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion for a Roll Call.

The same Senator requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-545), in concurrence.

A Division has been requested.

Will all those in favor of the motion to **ADOPT** Committee Amendment "A" (H-545), 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.

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, Committee Amendment "A" (H-545) **ADOPTED**, in concurrence.

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

Which was **PASSED TO BE ENACTED**.

Senator **MILLS** of Oxford moved to **RECONSIDER ENACTMENT**.

Senator **BUSTIN** of Kennebec requested a Roll Call. Less than one-fifth of the members having arisen, a Roll Call was not in order.

On motion by President **PRAY** of Penobscot, Tabled Unassigned, pending the motion by Senator **MILLS** of Oxford to **RECONSIDER ENACTMENT**.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Unassigned matter:

An Act to Amend the Liquor Laws  
H.P. 1264 L.D. 1833  
(C "A" H-545)

Tabled - June 11, 1991, by President **PRAY** of Penobscot.

Pending - the motion by Senator **MILLS** of Oxford to **RECONSIDER ENACTMENT**

(In Senate, June 12, 1991, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-545)**. On motion by Senator **BUSTIN** of Kennebec, **SENATE AMENDMENT "B" (S-360) TO COMMITTEE AMENDMENT "A" (H-545) READ and FAILED ADOPTION. PASSED TO BE ENGROSSED AS AMENDED, in concurrence. PASSED TO BE ENACTED, in concurrence.**)

(In House, June 11, 1991, **PASSED TO BE ENACTED.**)

Senator **MILLS** of Oxford, requested and received leave of the Senate to withdraw his motion to **RECONSIDER ENACTMENT**.

Which was signed by the President and presented by the Secretary to the Governor for this approval.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

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

The President took a seat on the Floor of the Senate.

Senate called to Order by the President Pro Tem.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials  
H.P. 1202 L.D. 1758

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-655)**

Signed:

Senator:  
BERUBE of Androscoggin

Representatives:  
LARRIVEE of Gorham  
KILKELLY of Wiscasset  
WATERMAN of Buxton  
JOSEPH of Waterville  
KERR of Old Orchard Beach  
GRAY of Sedgwick  
HEESCHEN of Wilton

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

Signed:

Senator:  
EMERSON of Penobscot

Representatives:  
NASH of Camden  
LOOK of Jonesboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-655)**.

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason why I wanted the Report read is because I wanted the Senate to see the absence of my name there. There is a reason for that. If you remember, this Bill was recalled and resubmitted to the State and Local Government Committee. Yesterday, while this Body was in session, and unbeknown to me because I was not notified, the Hearing was again held. I did not participate. I was only brought two jackets and asked to sign them. It has just happened again on another Bill that we were supposed to have out by 5 o'clock. While I was debating, Mr. President, they took a vote on another Bill. I do not know nor can I instruct this Body as to how this Bill should go. I do not know at this time what to do, but I take great offense at being denied the participation. I think something should be done about it. Thank you.

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

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

Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I would concur with the good Senator from Kennebec, Senator Bustin. In our haste to finish the Legislature, sometimes we are asked to do more than one thing. It becomes an impossible task. I can just say that at least she was offered the opportunity to be asked to sign a jacket. That was not offered to a couple members of my caucus recently. Nevertheless, the issue here is L.D. 1758, "A Resolution, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials". I am asking you to oppose the pending motion today. This particular amendment to the Constitution provides for the recall of state officials. My general view is that there is really no compelling reason to make such a fundamental change in our framework of the Constitution that has served us well for one hundred and seventy-one years. I do have some very specific objections that I would like to raise with the members of the Senate today. First, the proposed amendment allows a recall election to be triggered whenever 35% of the voters in a District sign a petition requesting a recall vote. Granted, this petition cannot be triggered unless there is a charge of misfeasance or malfeasance. What do these terms really mean? I am sure that I am going to be reminded by my colleagues here in the Senate that are Attorneys at Law that these terms can be presumed to have the meaning which is described to them by common law. The definition of these terms is neither here nor there, because there is no requirement that the petition describe acts which merit any objective standards of misfeasance or malfeasance. All you have to do is get 35% of the voters in a District to sign a petition for a recall and an election is triggered. My question to you would be, is voting for a Budget with a tax increase misfeasance? How about voting for a Budget with major spending cuts? In my district, I think that 35% of the voters could be convinced that voting for a tax increase is misfeasance. I also feel that 35% of those voters could be convinced that a cut in spending is misfeasance. I wouldn't be surprised if similar numbers could be found, and probably all the Districts across the State of Maine. Before July 1st of this year, we are going to be asked to vote for a Budget which will contain both tax increases and

spending cuts this will be for most of us one of the most difficult votes we will ever cast. It will be a critical vote, not only for us, but for the people of the State of Maine, because if we fail to obtain the necessary two-thirds majority vote to pass an emergency measure into law before the beginning of the fiscal year, the state will simply have to close down for the lack of the authority to continue appropriating money for essential state services. Yet, whatever we do, at least 35% of the people in all of our Districts would disagree, probably strongly disagree, probably vigorously disagree with our conclusions. They may campaign against us in the next regularly scheduled elections, and it is their right to do so. Should we empower them to seek to remove us from office for doing our duly elected responsibility? I am not looking for an easy Senate seat, and I am not afraid to defend whatever I choose to take action on this floor, in this Senate in November. I do believe that the State of Maine would be better served if critical decisions that were made in the Legislature can be questioned by a minority of the voters through a recall petition. I am also opposed to this piece of legislation because it creates a double standard between state and county elected people in our constitutional offices. As I have just said, 35%, a minority of the voters could ask for recalls for state and county officers, while 51% of a majority of the Legislature have to ask for a recall of constitutional officers. I believe this amendment is an invitation to paralysis, and I urge you to strongly vote against this.

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

Senator **PEARSON**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I lived through a recall. I wasn't recalled myself, but I was on the Old Town City Council a number of years ago when a petition was circulated in a town to recall a majority of the members of the City Council in the city of Old Town, and one of them was Jack Cashman. The father of Jack Cashman that you know in the House. It split the town right down the middle. I supported, I think you probably know, I was not in favor of the recall, I supported Jack Cashman who was a friend of mine, and my brother-in-law was recalled. It was an ugly, ugly scene. It was triggered by the local police department who didn't feel that they were being treated fairly by the City Council. There wives went around town and collected enough signatures within about two days to recall a majority of the members of the City Council of Old Town. All they did was go up and knock on a door and say, "Would you sign this petition?" The people signed it. After they realized what they had signed, they called us and said, "We are terribly sorry, we really didn't mean to do that." But what are you going to say if somebody asks you to sign something? I am not against recalls. I think they have a function, but there ought to be enough signatures. There ought to be enough thought behind it, and indeed, I must say that there must be some inconvenience to it so that they would have to go to the City Hall, for example, or some place in order to sign it, and not be just a carnival type of atmosphere. I think recalls are very, very serious things. We just had a petition not long ago. Last week, as a matter of fact, in the town of Lincoln, to put the recall provision on the ballot. This would

allow a recall to be put in the Charter. It took a number of signatures to get that on a referendum, and they held the referendum. Guess what, fewer people voted in the referendum than signed the petition. I just happen to know, and I think that everybody in their gut knows that it is easy to get people to sign petitions. You know the classic story of the people who went out to collect signatures on the petition to do away with certain laws, and hundreds and hundreds of people signed it, and it was the Bill of Rights. I am not opposed to a recall if enough safety measures are in it. I do not believe that in this particular case that 35%, I must agree with the good Senator from Sagadahoc, Senator Cahill, is enough voted that is required, and 51% of the Legislature for constitutional officers. I don't think that is high enough. We require a two-thirds vote for a Budget, and we require a two-thirds vote for anything that is an emergency here, and recalling a constitutional officer ought to be more than 51%. If someone wants to come back with a better Bill than this, I would vote for it. I couldn't vote for this one. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a more prosaic concern than those voiced by the preceding speakers. I have searched my books and cannot find Committee Amendment "B" (H-655), so I don't really know what the language is in the recommended Bill before us. Perhaps could I request either that a copy be made available to me from the members, or if it has not been distributed, perhaps someone might kindly ask that this Bill be Tabled until later in this afternoon's session. Thank you

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

A Division has been requested.

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

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

5 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

On motion by Senator **CAHILL** of Sagadahoc, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

**COMMITTEE REPORTS**

**House**

**Ought Not to Pass**

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

From the Committee on **EDUCATION** Bill "An Act to Forgive Indebtedness of a Certain School Administrative Unit"

H.P. 1290 L.D. 1865

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1991 (Emergency)

H.P. 1355 L.D. 1947

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

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

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

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION** on Bill "An Act to Recodify the Adult and Secondary Vocational Education Laws"

H.P. 1152 L.D. 1677

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-658).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-658).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-658) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

H.P. 95 L.D. 136

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "B"** (H-656).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-656).

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

The Bill **READ ONCE**.

Committee Amendment "B" (H-656) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**ENACTORS**

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

An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program  
H.P. 557 L.D. 800  
(C "B" H-631)

An Act to Continue the Dislocated Worker Benefit Program  
S.P. 366 L.D. 968  
(C "A" S-228; S "A" S-341)

An Act Concerning Extension of the Notice of Claim Period and Inclusion of Affirmative Defense Consideration in Medical Malpractice Proceedings  
H.P. 943 L.D. 1365  
(C "B" H-587)

An Act Relating to Sheriff's Fees for Civil Orders of Arrest  
S.P. 584 L.D. 1537  
(C "A" S-345)

An Act to Establish the Maine Civil Legal Services Fund  
H.P. 1147 L.D. 1672  
(C "A" H-632)

An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers  
S.P. 634 L.D. 1682  
(H "A" H-636 to C "A" S-288)

An Act to Remove Certain Investment Restrictions Concerning Namibia  
H.P. 1344 L.D. 1941

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.

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An Act to Protect the Public from Unsafe Industrial and Commercial Facilities  
H.P. 258 L.D. 349  
(C "A" H-590)

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

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**Resolve**

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash  
S.P. 747 L.D. 1943  
(H "A" H-633)

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

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**Emergency**

An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine  
S.P. 154 L.D. 366  
(C "A" S-286)

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

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**Emergency**

An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision  
H.P. 407 L.D. 590  
(H "A" H-612 to C  
"A" H-257)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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.

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**Emergency**

An Act to Improve Grading and Inspection of Maine Sardines  
H.P. 552 L.D. 789  
(S "A" S-333 to C  
"A" H-584)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 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 Provide Due Process To Participants in the Driver Education Evaluation Program  
S.P. 614 L.D. 1618  
(H "A" H-634 to C  
"A" S-263)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 1 Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED**.

(See Action Later Today)

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**Emergency**

An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards  
H.P. 1151 L.D. 1676  
(S "A" S-339 to C  
"A" H-583)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 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.

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**Emergency**

An Act to Authorize Municipal Guarantees of Council of Government Obligations  
S.P. 660 L.D. 1736  
(S "A" S-340 to C  
"A" S-269)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Amend Maine's Underground Oil Storage Laws

H.P. 1258 L.D. 1826  
(C "A" H-629)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 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 Correct Errors and Inconsistencies in the Laws of Maine

S.P. 735 L.D. 1926  
(C "A" S-328; H "A" H-635)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 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.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities

H.P. 787 L.D. 1119  
(H "A" H-623 to C "A" H-609)

**THE PRESIDENT PRO TEM:** 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 explain the Bond Issue. This is a Bond Issue for the equipment and construction for solid waste disposal and recycling facilities. This particular Bond Issue that we have before us deals with solid waste disposal and recycling facilities, and it reduces the original amount of the Bond Issue from \$15,000,000 to \$9,000,000, with \$5,000,000 for site evaluation planning and grants, and \$4,000,000 for recycling grants and loans, and is accompanied by an amendment from the other Body which increases it by \$1,000,000. I think that this is a following

through of a continuing commitment that this state has to deal with solid waste and recycling. I personally think, and that most of you probably do also, that this particular initiative on the part of the state in the last several years has caught on in the local level to a great deal. I know that when I go to my local, we used to call it the "dump" which is no longer the "dump", it is a recycling center and a disposal area that is contained in those big green canisters that goes off to the Perk Plant in Orrington. Our whole way of life has changed, and this is a follow through to see to it that momentum continues in that direction. I hope that not only will the Senate join with me in voting for this, but I hope that the people of Maine will. I trust that they will. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, hope that you will join in voting for this Bond Issue. We have had a competing measure that I know that will not pass, and I am very anxious, as other members of the Senate, that this does go to the voters, and I ask that you vote for this Bond Issue. Thank you.

On motion by Senator **PRAY** of Penobscot, Tabled Unassigned, pending **ENACTMENT**.

**Bond Issue**

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  
(C "A" S-342)

On motion by Senator **THERIAULT** of Aroostook, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

**Bond Issue**

An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries

H.P. 1324 L.D. 1916  
(C "A" H-613)

Comes from the House **FAILING OF ENACTMENT**.

On motion by Senator PRAY of Penobscot, Tabled Unassigned, pending ENACTMENT in NON-CONCURRENCE.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Promote Long-term Economic Development" (Emergency)

H.P. 1321 L.D. 1912

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-657).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657).

Which Report was READ.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is another one of those unfortunate instances where I am put in the position as debating a unanimous Committee Report, but the Housing and Economic Development Committee is the Committee which I serve on. I was not able to attend this particular Committee session that reported our this Report. I would like for you to reject that, not because I don't think this is a particularly good idea, I think it is a very good idea, but I think in this type of an economic environment when we are being asked to cut thousands of state jobs and millions of dollars in state programs, I think it would be a little short sighted of us if we put a Bill before the Appropriations Committee with a price tag of \$1.6 million for the first year and a little over \$3 million the second year. Once again, I think this is a good idea, but it is the wrong time for us to be considering expansion of programs and new programs. Thank you.

Senator WEBSTER of Franklin requested a Division.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is ACCEPTANCE of the Committee Report, in concurrence.

A Division has been requested.

Will all those in favor of ACCEPTANCE of the Committee Report, in concurrence, please rise and remain standing in their places until counted.

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Committee Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-657) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senator MATTHEWS of Kennebec moved that the Senate RECONSIDER its action whereby it PASSED TO BE ENACTED:

An Act to Provide Due Process To Participants in the Driver Education Evaluation Program

S.P. 614 L.D. 1618  
(H "A" H-634 to  
C "A" S-263)

Senator GAUVREAU of Androscoggin requested a Division.

**THE PRESIDENT PRO TEM:** The Chair recognizes that same Senator.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again this was a Bill that was debated somewhat the other day. It was a unanimous Report from the Committee on Judiciary dealing with the issuance by the Secretary of State of special licenses for individuals, and I believe it was a strong vote of support in the Senate for the measure the other day, and I would ask that you join with me in opposing the motion by my good colleague from Kennebec, Senator Matthews. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the good comments by the Senator from Androscoggin, Senator Gauvreau. I have simply asked for reconsideration to have an opportunity to be recorded as voting in opposition. It was my negligence in not catching this Enactor, and I simply would ask for an opportunity to be recorded in voting in opposition. Thank you.

Senator GAUVREAU of Androscoggin requested and received leave of the Senate to withdraw his request for a Division.

On motion by Senator MATTHEWS of Kennebec, the Senate RECONSIDERED ENACTMENT.



This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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.

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The Committee on **JUDICIARY** on Bill "An Act to Correct a Conflict in the Law Relating to Sentencing Considerations and Appellate Review" (Emergency)  
H.P. 1340 L.D. 1932

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-662)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662)**.

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

The Bill **READ ONCE**.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise this afternoon to speak briefly and put some comments on the Record in respect to L.D. 1932. This Bill came into the Legislature very late in this session. There was a Hearing all Friday afternoon of last week before the Joint Standing Committee on Judiciary. This measure actually invites a discussion of major policy issues dealing with corrections and sentencing policy in the State of Maine. This legislation was offered for our consideration in response to a trilogy of law court decisions in the matters of State vs. Lewis, State vs. Clark, and State vs. Michaud by which the Appellate Division of the Maine Supreme Judicial Court reduced certain criminal sentences. The Committee on Judiciary was invited to undertake a rather drastic reformation of the law on appeals of criminals sentences in our state. We declined to affect major changes in our appellate processes because the Bill was introduced so late in the Legislative Session. Those of you who read the proposed legislation will know that the Committee does recommend unanimously that when the sentences are disturbed by the law court, that is to say, when they are over turned, those sentences must be remanded to the trail justice for further consideration and sentencing. Left unresolved, in L.D. 1932, I suspect issues that will be addressed in the next Legislative Session are the following policy questions. To what extent should the law court review and consider appeals from sentences of lower courts, to what extent does the law court develop sentencing principals and secure compliance and congruity with those sentencing principals? To what extent should this Legislature involve itself in restricting or limiting the flexibility of sentencing

justices to fashion appropriate sentences? To what extent should this Legislature restrict our law court in the development of a substantive Law of Sentencing in Trial Courts? Mr. President, I think these are major policy considerations as we know Maine like most states in the country have significant overcrowding in our corrections facilities. I do hope that next year the Committee on Judiciary will have the opportunity to explore in depth these very important issues. Thank you.

Committee Amendment "A" (H-662) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages"  
H.P. 1057 L.D. 1546  
(H "A" H-637 to C  
"A" H-447)

In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto, **AND HOUSE AMENDMENT "A" (H-663)** in **NON-CONCURRENCE**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **ADHERED**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Divided Report**

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Related to the Office of Substance Abuse"

S.P. 90 L.D. 175

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-359)

Signed:

Senators:

BUSTIN of Kennebec  
EMERSON of Penobscot

Representatives:

NASH of Camden  
HEESCHEN of Wilton  
LOOK of Jonesboro  
WATERMAN of Buxton  
GRAY of Sedgwick  
SAVAGE of Union  
KILKELLY of Wiscasset  
JOSEPH of Waterville  
LARRIVEE of Gorham

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

Signed:

Senator:

BERUBE of Androscoggin

Representative:

KERR of Old Orchard Beach

Which Reports were READ.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection"

H.P. 1083 L.D. 1577  
(C "A" H-630)

In Senate, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) AS AMENDED BY HOUSE AMENDMENT "A" (H-666) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**ENACTORS**

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

An Act Establishing Procedures for Notice of Proposed Zoning Changes

H.P. 783 L.D. 1115  
(C "A" H-644)

An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission

S.P. 508 L.D. 1346  
(C "A" S-281)

(See Action Later Today)

An Act to Promote Work Activities in Correctional Facilities

S.P. 752 L.D. 1945

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.

An Act to Improve Collections of Income Tax Due Upon the Sale of Real Property

H.P. 689 L.D. 988  
(C "A" H-638)

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

An Act to Establish State Selective Purchasing Standards

H.P. 1174 L.D. 1715  
(C "A" H-467; S "B" S-350)

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

Which was READ and REFERRED to the Committee on AGRICULTURE.

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

**Emergency**

An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River  
H.P. 1329 L.D. 1920  
(C "A" H-643)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 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.

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

**COMMUNICATION**

The Following Communication: S.P. 755

**115TH MAINE LEGISLATURE**

June 12, 1991

Senator R. Donald Twitchell  
Rep. Robert J. Tardy  
Chairpersons  
Joint Standing Committee on Agriculture  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Thomas B. Saviello of Wilton for reappointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture 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 AGRICULTURE.

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

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

**COMMUNICATION**

The Following Communication: S.P. 754

**115TH MAINE LEGISLATURE**

June 12, 1991

Senator R. Donald Twitchell  
Rep. Robert J. Tardy  
Chairpersons  
Joint Standing Committee on Agriculture  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard H. Duncan of Presque Isle for appointment to the Harness Racing Commission.

Pursuant to Title 8, MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

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

#### ORDERS OF THE DAY

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

Bill, "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"  
S.P. 446 L.D. 1190

Tabled - June 12, 1991, by Senator PEARSON of Penobscot.

Pending - the motion by Senator BUSTIN of Kennebec to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE (Division Requested)

(In Senate, June 11, 1991, RECONSIDERED PASSAGE TO BE ENGROSSED. On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-358) READ and ADOPTED.)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I had to put a fiscal note on this Bill in order for it to proceed through the system, because at one time in the process of this Bill's journey through the system, the Bill was substituted for the Report. It did not have a fiscal note on it, and it needed one in order for it to be in proper form. We are now entertaining a motion to Indefinitely Postpone the Bill. This Bill is not a new Bill for most of us, but for some of us who are new to this legislative process, this Bill dealing with investment in corporations doing business in Northern Ireland calls upon the investments that the Maine State Retirement System makes to make their investments in such a way, and in such companies that will not discriminate against people because of their religion in Northern Ireland. There is, as far as I know, and I have never heard anyone say any different, any discrimination in Southern Ireland. The discrimination takes place in Northern Ireland, city after city, state after state, county after county, retirement system after retirement system, for all over this country have adopted the principals that we ask to be adopted in this particular Bill. A lot of rhetoric has passed, and a lot of money has changed hands. The basic premise of this Bill is, that there ought not to be discrimination based on one's religion. I happen to be a Roman Catholic. The people in Northern Ireland who are discriminated against share my religion. They are denied jobs because they are Catholics, and that is the truth. They have had a history of hundreds of years of oppression in that particular section of Ireland, for that matter, in all of Ireland. Now, the only remaining section of Ireland that still suffers from

religious discrimination and prejudice is in Northern Ireland. That should not exist anywhere in this world, in my opinion. I don't think there is anyone in the Senate that another opposing view as far as discrimination on religion on concerned. The question is what do we do about it. Half of the state is Catholic and much of the state is Irish. All the state should be concerned that America would adopt, or the State of Maine would adopt any policies other than those that would promote equal treatment of people regardless of their race, their religion, or any other situation that befalls them from birth. The MacBride Principles, named after a Nobel prize winner, simply suggests that people in Northern Ireland be treated the same. The British Government has hired people to speak for them, or lobby for them in these Chambers. They are interested that this Bill not be passed. If they were only interested in trying to make sure people were treated as well in Northern Ireland we would be a lot better off. The good Representative from the Penobscot Tribe, my friend, Representative Priscilla Attean, has taken the last several days to leave little gifts on my desk, and occasionally for my seat mate. This morning she brought in some sweet grass that her mother had woven into braids. If you don't come from my place, you don't understand the significance of that. It is a treasure that I will keep all my life. We got to talking afterwards, she and I, about how far we had come since we were little children. I know just about every soul of my generation and older on the reservation and who they are related to. I know where they work and everything. I owe that, of course, to my father who was a doctor on the reservation. When I was a little kid, I used to go over there on the boat, and on the ice until they had a bridge, and then we used to go over when my father made calls to the various homes on the island by automobile. One day he said to me, some of you may have heard this story before, one day I was sitting up on the bank of the road, and the house was way down close to the river and he came up and said, I was probably ten years old, "I want you to come down here." I said, "I don't want to go down there." He said, "You are going to come down here." I went down and walked in the house, and there was a dirt floor and he said, "I want you to remember that." Representative Attean and I were talking about that. That was part of the way that I was raised, just a small part. Not to forget. I want you people to know that those of us who were raised in Irish homes were taught not to forget where we came from, and the struggle that people had in getting to where they are. The Irish have had a terrible time. Sometimes people say that the Irish are only happy when they are sad. I think there is a degree of truth to that because we have had so many sadnesses. My family was what they called a two boater. They did not have enough money to get to America. They had to stop in Newfoundland and make a living for a while in order to raise enough money to continue on to Massachusetts from where my father came. They were all very poor. They were all oppressed, but in this country that eventually stopped. In Northern Ireland it has not stopped. The British Government makes a pretense of passing fair employment practices laws. It had two of them, as a matter of fact, and still sections of Belfast are 80% unemployed of the Catholic population. Why involve ourselves in this? I would ask you why not? We have done it in the case of South Africa and it has worked there. There is no

doubt about it that all the progress in South Africa has attributed to the support of the international community. We are saying to the British, and to anyone else who will not advance the cause of religious toleration and fairness, don't expect us to support you. We won't support you. We won't support you until you are fair to everybody. I just got back a few weeks ago from Ireland, and I am going to be going back in a few weeks. The first time I was there I met my relatives for the first time. The first to meet any of them since 1910. The cousin I met was a woman who was my age, and we went in a car and she took me to see through the glen to where my people came from. There was a rock along the road. She said, "You know in the 1920's, I think it was in 1922, there was a young Irish boy probably 20 years old who was captured by the British one night right there where that rock is, and they said they were going to shoot him because they suspected him of being a member of the IRA." No due process, they were just going to blow his brains out. The last thing that boy said was I want a priest. The priest came, and he was just a few years older than the young man, probably 22 or 23 years old and just out of seminary. He pleaded with the British not to shoot him. The British said, "You had better hear his confession because he is going to kingdom come." They shot him right there. That is the way the British treated the Irish until they were driven out, and the last remaining British control was in Northern Ireland. I don't mean to say, and I don't want anyone to interpret that all British are bad. There policies stink. They have had several hundred years to write that wrong and they have not done it. Since the creation the Republic of Ireland in the 1920's, the first Irish priest ate and then later on when Ireland formally broke from the British Commonwealth, the British have had time after time, and warning after warning, to clean up your act and the authorities of Northern Ireland. They have not done so. They just don't do anything. The only way that it is going to happen, and I feel that I owe them an obligation, and I feel you do, too, there needs to be some kind of economic pressure leveled against those people who practice discrimination. I cannot for the life of me understand anybody who takes an opposite point of view, and I will tell you why. Almost every state, city, county and retirement system that has joined in this MacBride drive have accomplished a great deal. Much of the work has been done, but there still is a lot that needs to be done, but in no case can I understand, and I have just returned from a retirement conference, we talked about investing retirement money, and in no case have I ever heard anybody say that the retirement system adversely affected by a prohibition against companies that practice discrimination in Northern Ireland. There are plenty of companies, my friends in the Senate, to invest in without having to worry about whether this is going to throw out of kilter any retirement system. I only ask for fairness and I expect it from you. I think that everyone has the right to expect it. There are so many people in Northern Ireland that are hurt by employment practices that have gone on far too long. Thank you.

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

**Senator CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. I would like to ask any member from the Committee on State and Local Government to explain to the Body why the original Bill, which is now before this Body, was rejected and replaced by two very different Reports?

**THE PRESIDENT PRO TEM:** The Senator from Cumberland, Senator Conley poses a question through the Chair to any member of the Committee who may care to answer. The Chair recognizes the Senator from Androscoggin, Senator Berube.

**Senator BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The main reason was that we sought unanimity as a Committee, and because there was going to be a Divided Report. We did not want to have another Divided Report this year. There was a possibility of a Gubernatorial Veto. We just wanted to address the issue of discrimination. I am not going to talk on anything else but the Bill. Certain clauses in the MacBride Principles, some of them are difficult to implement, but most of them are fair. They seek fair employment and affirmative action. Most of the American companies who are located and do business in Northern Ireland do indeed describe to the affirmative action and equal opportunity laws they have for their own American companies here at home. We thought that we would come out, and someone suggested the mechanism that was instituted in the city of New York whereby American companies signed a letter to the effect that they would abide by fair employment practices of the country of Northern Ireland. If you look at the fair employment practices, they deal basically with what the Senator from Penobscot has been saying. Equal opportunity for all. Penalties if people do not subscribe to affirmative action and this sort of thing, and we could enumerate them. Some American companies are unable to subscribe to the MacBride Principles because two or three of them, unfortunately, they are down stairs in the Committee Room, are considered to be illegal in that part of the world in Northern Ireland. Some people had concerns with the clause, I think it is the second or the third principal which mandates that a company provides security to and from the residence to the work place for that employee. That is very difficult to do, I suspect. Nor would I want to subscribe to that particular principle. I understand from a friend who lives there and from others, that the American companies pay the best wages, that the people of Ireland themselves want to have jobs in those American companies, but basically, we were satisfied that the Bill that we took out and we thought about up unto 5 o'clock that afternoon, that we indeed had a unanimous Report until someone questioned that perhaps there should be another Report. Having said this, we came out with two Reports. There was a minority of about three or four, and the Bill was substituted for the Majority Report. I hope that answers your question. Thank you.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I was hoping to get an explanation in reference as to how the two separate Reports came out of the Committee, and essentially, if I can paraphrase the explanation by the good Senate Chair, the Senator from Androscoggin, Senator Berube, it was the hope of that Committee that they could actually have a unanimous Report. Which actually strikes me funny, since at my last count we have had forty-nine Divided Reports from the Committee on State and Local Government. It makes one wonder whether or not at the beginning of this session that the Committee went in there on the first day, had eighty Bills given to them and just voted them out that day depending on how they felt about them. This particular Bill, I think, falls into the category of summing up the type of treatment that serious pieces of legislation, and I would call the MacBride Principles one of them which we have dealt with here many times. It has been vetoed before. It has been before the Body a number of times in the past years. That is a very serious piece of legislation. What happened in this product, and the reason the original Bill was rejected I think, is in no small part due to about \$20,000 worth of money that the British Government spent on trying to persuade the Committee to see the issue through the eyes of the British. As we sit here and debate this Bill tonight, the good lobbyist for the British Government sits here in the back row and the meter is still running. It is amazing to me that there hasn't been a run on the lights around here. They are going to spend as much money as it takes to defeat the MacBride Principles wherever they pop up in this country. As a matter of fact, they have opened an office in Washington, D.C. for the soul purpose of fighting this Bill every place it comes up. The one thing that I take issue with is, that the good Senate Chair from Androscoggin, Senator Berube has said about the difficulty of the MacBride Principles and how hard they will be to enforce. What a shock! Those MacBride Principles are already in law here in Maine. We have already adopted the MacBride Principles. What happened in Title 5, 1955, for anyone who is interested in looking at it, what transpired when the Governor last vetoed the original MacBride Bill that went down a couple of years ago to his desk? He compromised and sent us back the MacBride Principles, but asked us not to divest of the stocks, that we should not follow the MacBride Principles in Northern Ireland. There is about eight American companies. Big ones. He asked us not to divest of their stocks, but to send representatives to Stockholders Meetings to vote by proxy our concerns about the MacBride Principles, and urge those companies to adopt the same. We have already got the MacBride Principles on the books, and what we are doing here with the Bill that is before the Body is a very small step in the right direction, to let the British Government know we are serious about this issue. As the good Senator from Penobscot, Senator Pearson said, these things work. They are working. By courtesy of the good Representative Old Town, Senator Cashman, I have been provided with an article from the Irish Echo which relates in there a story from the City Controller in the City of New York, Elizabeth Holtsman, whose representation was allegedly made to this Committee by the good lobbyist carrying the water for the British in this issue, and she has spent the better part of the week trying to straighten out those misrepresentation. In this

article, low and behold, she announces that the companies, Honeywell, Pitney Bowes and Nynex have all announced that they are adopting the MacBride Principles, that they will follow these principles. This is working. Companies are adopting them, and it is the only way that we are going to bring pressure on the British to get Catholics employed in Northern Ireland. This is the most peaceful way we can resolve, and the only impact we can have over there to resolve the troubles in that war torn land. A job is everything. Catholics are unemployed at a rate 2 1/2 times higher than Protestants in Northern Ireland. Make no mistake about it. It is because of there religion. I know these good Senators who have been on the State and Local Government Committee have worked hard, but I would suggest to the Body that this Bill is a Bill about discrimination, and wherever we see discrimination, if we can, we should try to step up to the plate and stamp it out, and it is only a small way to do it, but it is important. Thank you.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not going to debate the philosophical issues of Northern Ireland. I suppose if we were going to debate the areas in the world where there has been discrimination, I might be better able to debate what went on under the British Government in Quebec not such a long time ago. I could tell you stories about that. I couldn't relate stories of bombs, or kidnappings, or people be forced to drive a car loaded with a bomb while their family is being held hostage. I never heard my parents or grandparents say anything like that about Quebec. I guess when I said we were trying for unanimity, the main reason was this is the third year that we had heard the Bill, and for once we were trying to pass a measure that would bring the message to the people involved. The American owned companies state that you must hire people from all walks of life, all ethnicity, all color and all creeds. We thought that this was a document that addressed it without incurring any criticism or wrath. The Senator from Cumberland mentioned that the British Government maintained an office in Washington, D.C. strictly to fight the proposal of MacBride, and I would also remind him that they maintain an office in Washington, D.C. staffed by a Reverend, so called, who twice, recently has addressed some vitriolic words against our very own respected Senator Mitchell. I guess it is a two way street. Neither side should lower themselves to those standards, I think. To defend our Committee and my personal view, we thought we were doing the right thing with a Majority Report, and I leave it up to this membership. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise not to defend the Committee, but to explain why we thought we had a good Bill when we sent out that Report. The reason I ask for Indefinite Postponement is, because of the substitution. As the Senator from Androscoggin, Senator Berube has indicated, we did work long and hard on this Bill, and we did think that we had a compromise. The basic difference seems to be the

words of the MacBride Principles. Before I speak further on this issue, I would like to tell you what my Irish credentials are. My paternal grandmother is from Ireland. My paternal grandfather is from Canada. My mother is from England. I also have some Indian blood and some Dutch blood in me. What does that make me? A lot of things, and some of those things you can't say on the Record, and I am proud of them no matter what. I am proud of my Irish grandmother, and my French grandfather, and my English mother, and all of the other mixes that I have in there. Maybe that is what makes me hate discrimination so. In every sense of the word I hate discrimination. I would be the last one to stand up here in opposition to a Bill that reports to try to stop discrimination in Ireland. The last one. I was on the Bill for South Africa. I stand up here proudly before you and defend why do we need this Bill. Let me quote you from our own laws that we passed three years ago. Section 1955, and I'm sorry but I don't have the book number here. What it said, "In the investigation of the Treasurer of State, and the Board of Trustees in the Maine State Retirement System, shall review the extent to which United States Corporations or their subsidiaries doing business in Northern Ireland in which the assets of any state pension or annuity fund are invested adhere to principals of nondiscrimination in employment and freedom of work place opportunity. In making this determination, the Director shall consider without limitations the following standards for corporate activity." I really think you should listen because this is exactly what we are talking about. "A. Increasing the representation of individuals of under represented religious groups in the work force. Including managerial, supervisory, administrative, clerical and technical jobs. B. An adequate security for the protection of minority employees both at the work place and while traveling to and from work. C. The banning of provocative religious or political emblems for the work place. D. Publicly advertising and implementing special recruitment efforts for all job openings to attract applicants in under represented groups." I don't think I need to go on, it goes through "I", and it says under section 2 "Corporate adherence, the Treasurer of State and Board of Trustees shall when necessary appropriate and consistent with prudent standards for judiciary practice initiate and support shareholders petitions or initiatives requiring adherence by the corporation to the standards set forth in subsection 1", and this was in 1987 that we passed this, I was here and voted for it, and it was a compromise. It was a way of getting the job done, and it was done very well. There is one thing that it doesn't have. One thing and that is the words MacBride Principles so they that we can shove it down another government's throat. That to me is not appropriate. Since 1989 the new Fair Standards Employment Act that has promulgated in Ireland, and they have done their reviews as we do our reviews in the Human Rights Commission. I can stand up here and tell you how many times a 55 year old white women in Augusta, Maine is discriminated against. I will bet you that there are a lot of young folks who can tell you how many males are discriminated against. I heard on the National Public Broadcasting Network a couple of weeks ago, that our own Fair Employment Standards Act had done a study, and had put out different kinds of mixes, for instance, a Black male and a white male who are exactly the same age, background, abilities and filled out the applications exactly the

same way, and upon interviews, consistently the white was hired and not the Black. We don't have discrimination here. We have discrimination here in lots of places, but you know we are trying to take care of it. We are taking care of it through Fair Employment Standards. We are taking care of it through Human Rights Standards. We are taking care of it through lots of ways. I don't hear anyone asking to divest their companies from America, because we don't meet all the discrimination requirements, because we do, in fact, discriminate. That is the genesis of why I feel that we do not need the present Bill. I was perfectly willing to work on an amendment. I was perfectly willing to work on a compromise that would give them the things that they wanted. In fact, I have a communication that was presented by a member of the other Body to the State and Local Government Committee which says in part that this language referring to the present Bill, 5 M.R.S.A includes, but does not name the MacBride Principles. It instructs the Treasurer and Board of the Retirement System to determine which companies with Maine funds have Northern Ireland holdings, which companies comply or not with standards in number 1, and finally in instructions the Treasurer and Board to initiate support efforts to gain compliance. The majority amendment, meaning the one that we had and amended, eliminates this language, and in its place puts compliance with the lawful aspects of the Fair Employment Act, or lawful aspects of duly passed English law. This is a major step backwards. The Committee agreed and did what we thought this person wanted. I have attached a proposed amendment that would only add to the current language of reporting function, to keep abreast of the status of companies in the function of corporate resolutions. I don't have a problem with that, nor did I have a problem with that, but when push came to shove, we had to have the words MacBride Principles in there, and that is the essence that I think of the argument that is before us today. I have here a registration with the Fair Employment Commission Report, and I am going to use from that report "Digital Equipment", only because they happen to have an office here in Augusta, Maine. They have employed in Ireland 73 employees. They have 46.4% Catholic and 53.5% Protestant. The religious background for that council area where Digital is situated is 63.7% Protestant and 36.3% Catholic. The company has never been investigated by the FEA and states that it is committed to providing equal opportunity regardless of religious beliefs, sex, race etc.. Anybody can have this report if they want. There is a number of those kinds of issues. I know that it doesn't tell me a whole lot except that there is some effort in Northern Ireland. You may or may not agree with them. There are a lot of laws that have been passed here today that a few of us disagree with, but nonetheless they are the law, and we will abide by them and work with them. I suspect that we ought to at least grant another political country that same right and that same ability. There lies my argument for Indefinitely Postponing, because we don't need it. We already have the law on the books. It is working fine, and I am perfectly willing to amend it to get whatever Report it is that the people want, but I don't have that option right now. Thank you.

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. With all do respect, I rise to differ with my good friend from Kennebec, Senator Bustin, and urge you not to Indefinitely Postpone this Bill. It is interesting that if the issue is simply that word "MacBride", and that word means nothing, then why had the British Government used so much of its efforts and resources to fight this inclusion for years? Ladies and Gentlemen, let me tell you why, as I am also a son of an Irish mother and grandmother from Ireland that has told me about the discrimination that we have heard here on this floor of this Body, and I have shared in past discussions about this issue. This is the last vestige, Ladies and Gentlemen, of British colonialism. That is what is at stake here. That is what Britain refuses to let go of. They want that thumb of control over the Irish, and that issue that is a festering wound caused by Britain is Northern Ireland. Those individual Catholics who have been excluded for centuries as the good Senator from Penobscot, Senator Pearson has talked about. It is the last vestige of British colonial power. It is time that the Maine Legislature and this country stand up for what it believes in. Discrimination and the rights of man ought to be protected everywhere. Governmental discrimination and wholesale abuse against people will not be tolerated. I am reminded by my good friend from Androscoggin, Senator Berube about the French Canadians. Ladies and gentlemen, I know a little bit about Arcadian French, and let me tell you that they were also oppressed and persecuted by the British, pushed out of their homes in New Brunswick and Quebec, and moved everywhere, and finally, many of them settled in Northern Maine in the St. John Valley. It was not of their own choosing, but because Britain, through its policies threw them out. That is what we are protecting here. Not all British, I believe in my heart and soul, condone these ill fated policies, but it is the Government who controls the policy, and it is a few who refuse to let go. This issue will be back again and again. Ladies and gentlemen, the MacBride Principles talk about just what we are as Americans. The right of self determination. The right to go to schools. The right to an equal opportunity to a job or business. Things that the Irish have been excluded from for years and centuries. It is going to come back, and the British can't condone or let go of the fact that the Irish have gotten a real good idea here, and it is called freedom. They won't let anybody know that the Irish could possibly be right. We are talking about fairness, and believe me, when this debate comes up, I remember the discussion with my grandfather and grandmother and boy it hurts. It hurt when I sat there and listened to the kinds of tragedies that happened. The abuses against the Irish and the continuing abuse against the people in Northern Ireland, the Irish Catholics. I urge this Body to not Indefinitely Postpone this Bill, and those of you in this Chamber, and the nice thing about being American is that usually we are all products of ethnic groups. That is what makes our country great. Look at this Bill as just part and parcel of what we are and what we stand for. Let us include the word "MacBride". Lets end British colonialism once and for all. Thank you.

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

Senator **BALDACCI**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a couple of comments in regards to this legislation. I would first like to commend the good senator from Androscoggin, Senator Berube for the long and arduous job she has had as Chair of the State and Local Government Committee. I know how difficult it has been for her, and those comments that were made earlier during this particular debate should not discourage the work that she has done on that Committee. I think that there are a lot of reasons for a lot of the Divided Reports. When you look at the decal on the floor of the Senate, you notice the Northern Star, and it represents the northern most state in the United States, and right below that it says "Dirigo", it says "I lead". When it comes to these types of discriminations, the State of Maine has always lead, and we have to continue to lead. There is nothing wrong with passing this legislation. There is nothing that is going to hurt anybody when we pass this legislation, it is going to send a real good message out there, and the message is discrimination of any kind is not good. Whether it is against the Italians, French, Polish, Irish or whatever that discrimination, it is not good anywhere, and we should not condone that. I think it is particularly something that got me the most, and that was the story that I will leave you with. In Belfast there is a company named Short. They have 3,000 employees and 300 of them are Catholics, and those 300 are at the lowest level of employment in that particular company, and it wasn't until they received the United States contracts that they began eliminating the religious ceremonies with the orange sashes and the drums. I think to have that happen in 1990 and 1991 and those kinds of things going on, now is our opportunity. We have heard the stories about our parents and grandparents and what went on in this country. I think it is now our opportunity once we spot those things to stand up and say never again. I would ask you to support the pending motion from the Senator from Cumberland.

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

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to relate an experience that I just had in the United States, and it was about a month ago when I went to Charlotte, North Carolina. My daughter happens to reside there, and I was visiting her for the first time, and I had given her husband a fairly hard time about being a rednecked southerner in jest and in fun, and he took it that same way. He is really a very lovely man. He was telling me about how there wasn't any discrimination, and there wasn't any this or that in Charlotte, North Carolina. It just happened that there was a newspaper report that weekend that I was there, and the newspaper reported that in his particular neighborhood in Charlotte, North Carolina, there were 2% Black, and if you believe that for one minute that Charlotte, North Carolina, has a population of only 2% black, I will sell you Memorial Bridge. Thank you.

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 PRO TEM:** The pending question before the Senate is the motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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, BUSTIN, CAHILL, CARPENTER, EMERSON, GOULD, HOLLOWAY, LUDWIG, WEBSTER**

**NAYS:** Senators **BALDACCI, BOST, BRANNIGAN, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, ESTES, ESTY, FOSTER, GAUVREAU, GILL, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, RICH, SUMMERS, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - JEFFREY N. MILLS**

**ABSENT:** Senator **THERIAULT**

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED**.

Which was **PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE**.

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

Senator **CONLEY** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to apologize to the Senator from Androscoggin, Senator Berube, for my remarks regarding the doings of the State and Local Government Committee. I also want to apologize to the Senator from Kennebec, Senator Bustin, for the same remarks during the rest of the debate. I had an opportunity to look at the House members on that Committee, and I now know why there were so many Divided Reports. I really do apologize, and I am sorry. In the heat of the moment I got carried away. Thank you.

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

Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (Emergency)

S.P. 743 L.D. 1935

Tabled - June 12, 1991, by Senator **MCCORMICK** of Kennebec.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 10, 1991, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.)

(In House, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-648)** in **NON-CONCURRENCE**.)

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED**.

House Amendment "A" (H-648) **READ**.

On further motion by same Senator, Senate Amendment "A" (S-363) to House Amendment "A" (H-648) **READ** and **ADOPTED**.

House Amendment "A" (H-648) as Amended by Senate Amendment "A" (S-363) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President Pro Tem.

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

**HOUSE REPORT** - from the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill, "An Act Concerning the Low-income Home Energy Assistance Program" (Emergency) H.P. 1333 L.D. 1924

Reported - **Ought to Pass as Amended by Committee Amendment "A" (H-652)**.

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of Committee Report

(In Senate, June 12, 1991, Report READ.)

(In House, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652).)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-652) READ.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652) READ.

**THE PRESIDENT PRO TEM:** The Chair recognizes that same Senator.

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment does a variety of things, most of them technical. We moved into the Supplemental Budget the Weatherization Program and the Energy Program. We moved the Weatherization Program to the Maine State Housing Authority, and doing that there were some technical errors, and this amendment corrects that job and takes care of those technical things, and that is not of an issue that will not be an issue later tonight, I do not believe. There is, however, one issue that is of contention, and will be debated and that is, how much money should go to weatherization? This amendment pegs the amount of energy assistance funds at 15% for weatherization. This had been a fairly standard amount until a couple of years ago. A couple of years ago, the amount was reduced to 12%, and this past year to 10.6%. We will be asked to make a decision, and I, of course, encourage the passage of this amendment, and this amendment will peg the funds for weatherization at 15%. This unanimous decision by the Committee on Housing and Economic Development was reached because we felt that it was a very important part of our effort to assist low income folks with their fuel issues. Weatherization, by the way, is not only caulking windows and insulation, but also fixing furnaces and lots of other things that deal with the proper efficient use, fuel assistance for those who are poor. It is the belief of our Committee, and it is the belief of the Governor's Blue Ribbon Commission that we do more in the area of weatherization in order to reduce the need for some people to be on Energy Assistance. It is our decision to take over the decision of how much not to allow it to continue to be decreased, but to peg it at the 15%, the traditional amount used for weatherization. I urge you to pass this amendment. Thank you.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would request that you defeat the adoption of this amendment so that I might add another amendment which I feel does a better job at correcting the inequities in this piece of legislation than the one that we are discussing right now. What the amendment that is being offered now would do, is to mandate that 15% of the heat money

be transferred to weatherization. Granted, in a perfect world it would be great if we could weatherize all the low income houses with the money that we have available to us. It would be great to be able to do that. In a fluctuating economy, in a time when unemployment is running very high, and during a time when oil prices are less than stable, it seems to me the prudent thing to do today would be to allow some of that money to go into the fuel assistance program. My fear is that when the wind starts to blow, and people do not have the money to heat their homes or buy electricity, that they will then go to General Assistance, and the towns, and the municipalities are going to bear the burden of that. I would further suggest that if we rejected the offer, we would be able to accept another offer that would say that if there is any money left over after the end of the year, that would go to weatherization. I think it very important that during these tough fiscal times that we have plenty of money to go for the Fuel Assistance Program, and while 15% has been a figure that has been used from time to time, it is not a figure that is set in concrete and it is my understanding that the CAP Agencies know that the figure is subject to fluctuation, so I would ask you to defeat the pending motion so I could offer my amendment that I think does a better job. Thank you.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Most of you know that when I am not here in this distinguished Chamber I am out during the summer and winter and late at night working on oil furnaces for a living. Many a time I gave gone out into the field of working on oil furnaces and I find a real need for the Fuel Assistance Program. As a matter of fact, for those of you who have taken the time to listen to what I have said over the years, I have never been a big supporter of virtually any social program, but this happens to be one of them that is working well, probably better than most. Maybe better than any. It is something that directly helps the poorest people of this state. I am not an expert at this department, or have anything to do with the amount of money that the average person receives, but I would guess that the average recipient under the Fuel Assistance Program is getting less than \$300. I'm sure it is less than \$400. Perhaps someone who knows more about this program could tell me, but frankly, it isn't enough, and I am not going to support any amendment which takes away any benefits from the people in the state who need it the most. We have been insulating houses since the early or late 60's through this weatherization program, and I am not suggesting that it is not a good program, but there are probably other programs we could deviate money away from for Fuel Assistance and support. A vote for this amendment is simply to take away fuel assistance from the poorest people of this state and direct it somewhere else. I don't want to be part of that, and I don't think the citizens of the State of Maine would want us to be part of that, and I don't think that the Legislature should be doing this at a time when there isn't enough money in this program to take care of the need. I want to share a story with

you from right around Christmas time, and for whatever reason this little old lady that happens to be a customer of mine, in fact, it was just a week before Christmas because she had her Christmas tree up and I remember it. This woman called me because she didn't have any heat in her house. I went out on a Saturday afternoon and it was a mobile home and I fixed her furnace. While I was there she I noticed that she had a string of five gallon cans out on the front lawn, and I made some comment about it, and she said, "I have to go get five gallons of oil every night and day to get enough heat to heat my house. My fuel assistance money hasn't come yet and I am not going to have a Christmas." Whatever she had was under the tree and that wasn't much. It was important to her that this program was there to help her. When you look at the way the Legislature over the years has spent money, there is probably not a better way to spend money than in this way. This amendment, unless I am reading it wrong, would take money away from the Fuel Assistance Program at a time when we should be adding money to it. I would ask the members of the Senate to read this amendment and vote against it. No matter how sincere the sponsors are of this measure, it still does take away benefits from the needy citizens of this state. For that reason, I would ask you to oppose this amendment. Thank you.

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

**Senator PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that you will find that the reason why a person does not have fuel assistance usually in December is, because the federal money has not been released yet. It sometimes doesn't get here until right in the middle of the winter. This has been my experience, anyway. I would also say that over the years since we have had to deal with that sort of thing in the Appropriations Committee, that when we insulated, the pay back on that was about two years, and then people started benefiting from it. I think a good mix of both is important. I just wanted to say that I think that the reason why the lady might not have had the fuel is because sometimes the money comes awful late. Thank you.

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

**Senator BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Lets make it clear that we are not taking away benefits from poor people, we are making a policy statement as to how those benefits are to be used. It is the feeling of many that weatherization is a fuel saving device by which poor people, as well as the rest of us are able to control the use of fuel. When you pour fuel into a house that has no insulation, it has no pay back at all except for the immediate need. There is never going to be enough assistance for everyone's needs. We are asking you to make a policy statement here that weatherization is a good thing to do. The Federal Government allows 25% of this money to be used for weatherization. We are not going that high. We are just saying that what has been done seems to have been a good bench mark, and we are choosing that bench mark as part of this legislation. There will still be \$16 million going for energy assistance in the form of fuel itself on

a regular basis, on an emergency assistance nature. But what this Bill does, and what the difference between the amendment before you and the amendment that might be offered, is the amount to be used for weatherization. I am asking you to choose 15% to be used in the long range, cost efficient assistance of the poor folks to get their house and their heating equipment in order. Thank you.

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

**Senator COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have to agree that the long term benefits of long term weatherization is by far indeed extremely important, and they do lead to lower fuel costs. I would suggest to the Senate that the allocation thing is difficult here, but I guess that this is the way I proceed that it ought to be done. I think that number one, during the past eight years of weatherization throughout the state, it has gone forward to a substantial degree to the extent that there are many communities that have a vast majority of their properties in those communities, and have had some degree of improvement in the quality of insulation on their doors and windows, and all the things that count toward better utilization. In fact, in northern Maine, where we are doubly interested in this, they have below zero temperatures frequently, and we have supported the Weatherization Program through all of our communities and through the ACAP Program. Recently, I have detected a decrease in the numbers of people requiring this type of aide. I have noted that many of the homes that eight years ago were in dire need were taken care of. I also point out that we are in northern Maine where the weather is cold and the furnaces burn mightily, I think that the allocation ought to provide a larger portion for fuel assistance, and I would point out in terms of dollars that fuel oil, accelerated in costs as you all know, and so has wood, so that what costs .57 a gallon for fuel oil a few years back, rose in my part of Maine to \$1.40 during the critical time. It seems to me that we have to make a bigger allocation to take care of the increased costs of fuel assistance, and second to recognize the Weatherization Program has made great strides, and is not perhaps quite as important as it was a few years ago. I would suggest that perhaps we should defeat the pending motion and make an allocation that is more in tune with the present everyday conditions in the current year. Thank you.

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

**Senator BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am certainly glad the people in the northern part of our state have been able to get most of their homes weatherized, but there are other parts of the state we all would agree, I hope, that in those parts of the state, at least, but throughout the whole state, it is my understanding that there are 25,000 dwelling eligible both in need and in income eligibility for weatherization. I wish to encourage again that this is a correct way to use some of these funds in order to not use the rest of the funds incorrectly over time. It is a good investment, and I encourage you to

allow us to peg this at 15% and not allow it to keep slipping downward. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to respond to a couple of the issues that were raised. First by the good Senator from Penobscot, Senator Pearson. He had said that sometimes the money wasn't available until sometime in the winter months. The Department of Community and Economic Development now has an Emergency Reserve Fund that allows us up front in October an \$8 million fund so that we won't run into exactly the kind of scenario that the good Senator suggests. That money, after the federal money comes in, that fund will be paid back. I would also like to respond to some of the remarks by the good Senator from Cumberland, Senator Brannigan. I agree with him that in a perfect world the best way to go with this particular piece of legislation is to provide weatherization to all these houses before we pour money into heating them. Having said that, what are we going to do after that money has been allocated and the amount of money that we are talking about is \$850,000? When that money has been allocated to weatherization, and more and more people come in and ask for fuel assistance in the next year when it starts to get cold outside, what are we going to do? Those people are going to go to General Assistance, and then the towns are going to say, "How come we didn't put more money into fuel assistance"? If we pass this Bill with this amendment, the amendment we are discussing right now, 3,000 less people are going to be served with fuel assistance, or all of the people who are currently being served are going to have their allocations reduced. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wanted to also respond to the comments from the good Senator from Penobscot, Senator Pearson, because I thought it was appropriate that he made reference to the fact that the money didn't come in and they are exactly right. The money didn't come in until late December, sometimes even into January, and I wanted to tell you a bit more about this lady that I worked on her furnace, because I think it is important. When I talked to the woman about her fuel situation she said she still had \$38 worth of oil at the oil company, but they had a policy that is pretty common that they would not deliver unless she had 100 gallons worth or which was about \$80 at a time. This woman did not have the extra \$42 that she would have to pay the oil company to get the 100 gallons, so she had to buy it on a daily basis. I guess actually it was a two day basis. I would agree with the good Senator from Cumberland, Senator Brannigan, that we ought to be insulating. I would also agree with the good Senator from Aroostook, Senator Collins, that we are reaching the point that perhaps we may want to look into that some of the counties and in neighboring counties it is getting to the point where at least some of the worst cases are being completed. I guess I would like to ask a question. If the federal government allows 25% for weatherization, why isn't that being suggested? As far as I am concerned people are going

to have to make a decision in the next few months to whether they are going to eat or they are going to heat their houses, and if you could insulate every house for every poor person in the state with 20 inch insulation, when it comes down to, if they are going to have any heat in their house or whether they are going to make a choice of that or eating? I suggest that \$50 difference, a difference between 15% and 10%, or whatever the magic numbers are that we are referring to, would make a difference between \$40 and \$50 to the average recipient which could be a lot of money, and a lot of heating oil and firewood to those people who really are the most truly needy. I would ask the Senator from Cumberland, Senator Brannigan to explain to us the reasoning in this amendment at 15%. I understand that the reason why it was 15% in the past was based on the amount of money that we had. I understand that we have lost a million and something dollars from the federal government in an effort to keep the same people who are on it with the Commissioner, or somebody somewhere making the decision as to how much we would lower that insulation, etc.. I would like to know why we are not proposing going to 25% if there is a sincere effort here to require more people to have insulation. Frankly, you might as well, either way, you are going to hurt one heck of a lot of people in this state who are the most needy and need this assistance. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't know whether or not I can answer that question. Maybe the answer to that is the same reason of the good Senator from Aroostook, Senator Collins, because a lot of the homes in this state are becoming insulated and weatherized. Maybe it is better to take the steps in increments instead of jumping all the way to 25%. I want to pose a question to the Senator from Franklin, Senator Webster. I am not in the plumbing business or the furnace business, but does it make sense to weatherize. I guess I need a professional opinion. Do you save a lot on fuel by weatherization, and if that is the case, are we saving money by not spending money on fuel that could be saved if we weatherized? I guess you have to answer that. Are we throwing good money away when we could be saving that by weatherization? I am not an expert on this, and I know that he is in that profession, and I would like him to answer that. Thank you.

**THE PRESIDENT PRO TEM:** Senator Dutremble from York has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would suggest that if we had unlimited resources, that we ought to be raising the amount to 25%, and all the money we raise should go to weatherization, but I would also argue that if we are going to have to throw people off the rolls, and if we are going to have to give people less benefits than the people got this year, then I would advocate going down to 5% on weatherization. I think that it is more important that we give direct services specifically when you look at the fact that we have been insulating houses

in this state for at least 15 years, and my experience has been since you asked me in a professional manner, I have been in hundreds, if not thousands of these homes in my business, and I can tell you that most of the worst ones that I have seen have been taken care of. It would seem to me that we are making a choice between insulation or giving people heat, and I would prefer and this point to giving people heat. Thank you.

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

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator BRANNIGAN of Cumberland to **ADOPT** Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652).

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, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - JEFFREY N. MILLS

**NAYS:** Senators BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER

**ABSENT:** Senator BALDACCI

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator BRANNIGAN of Cumberland to **ADOPT** Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652), **PREVAILED**.

Committee Amendment "A" (H-652) as Amended by Senate Amendment "B" (S-362) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

The President Pro Tem laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Increase Penalties for Child Labor Law Violations"

H.P. 635 L.D. 905

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-593)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-594)**

Tabled - June 11, 1991, by Senator ESTY of Cumberland.

Pending - Motion of Senator CARPENTER of York to **ACCEPT** Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report in **NON-CONCURRENCE**

(In Senate, June 11, 1991, Reports **READ**.)

(In House, June 10, 1991, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.)

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

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask the Senate defeat the pending motion so that we might accept the Ought to Pass As Amended Majority Report.

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

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill "An Act to Increase Penalties for Child Labor Law Violations" would more apply be named "Put learning first put working second". This Bill had a real good Hearing in the Labor Committee, and was well accepted and we worked hard on it. We came up with a lot of improvements over the Child Labor Law, and as I worked on it I thought of my own child, a sixteen year old daughter, who like most children who are sixteen, are interested in earning extra money to spend pretty much as they wish. She is also just an average student in school. A lot of these sections pertains to that type of an individual, that is where I stand on this Bill. I will be as brief as I can. I am going to read a little bit of the Bill. "Employees who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom may be paid of a rate not less than it was 75%," it is now been changed to 85%, "of the minimum wage required by other employees in the same occupation. Every employer shall keep a time book or record for every minor under 18," was 16 and is now 18 years of age, "employed in any occupation planting, cultivating or harvesting of field crops. They number of hours worked by each minor under 18," 16 now is 18 years of age, "each day of the week. The time book or record must be open at all reasonable hours for the inspection of the Director. Penalty for the employers. Strict liability for the first violation or a violation not

subject to an enhanced sanction under paragraph B or C, or forfeiture of not less than \$50, or not more than \$250. Under B for a second violation occurring within 3 years of a prior conviction, a forfeiture of not less than \$100 or not more than \$1000 for a third and subsequent violation occurring within 3 years of two or more prior convictions a forfeiture of penalty of not less than \$250 nor more than \$2,500." As you can see, as we have increased the ages for children colored under the Child Labor Law, we have also increased the penalties for the employers who did not comply with these laws. We have also worked on the hours of employment. "Minors under eighteen years of age. A minor under eighteen years of age and enrolled in school may not be employed under these conditions. More than 48 hours in any week when school is not in session. More than 20 hours in any week when school is in session. More than 8 hours in any day when school is not in session. More than 4 hours any day when school is in session. More than 6 consecutive days or between the hours of 10 a.m. and 7 a.m. on a day preceding a school day, or between the hours of 12 a.m. and 7 a.m. on a day that does not precede a school day. Minors under the age of 16. A minor under sixteen years of age cannot work more than 40 hours in any week when school is not in session nor more than 18 hours in any week when school is in session. They cannot work more than 8 hours in any day when school is not in session nor more than 3 hours any day when school is in session and not more than 6 consecutive days or between the hours of 7 p.m. and 7 a.m. in any day when school is in session or between the hours of 9 p.m. and 7 a.m. during summer school vacation." As you can see, there is a lot in this Bill that has been changed over the previous Child Labor Law. As far as the education requirements. "The Superintendent of Schools shall issue a permit in the following circumstances. If the school is in session or the minor is attending summer school, the minor must be enrolled in school, not habitually truant, and not under suspension, and passing a majority of classes during the current grading period. If the school is not in session, the minor must furnish to the Superintendent a certificate signed by the Principal of the school last attended showing that the minor has satisfactorily completed kindergarten through grade 8 in a public school or their equivalent." Proof of age might come up later tonight. "The Superintendent may issue a permit only upon receiving an examining satisfactory evidence of the minors age. Satisfactory evidence consists of a certified copy of the minors birth certificate, or baptismal record, a passport showing the date of birth or some other documentary evidence of age which is satisfactory to the Superintendent, and approved by the Director. The Superintendent may require in doubtful cases that a certificate signed by a physician appointed by the school board stating that the minor has been examined and in the physicians opinion has reached the normal development of a minor of the same age, and is of sufficiently sound health and physically able to perform the work the minor intends to do. The Superintendent may revoke the permit issued to a minor if the Superintendent determines that the minor has not maintained the conditions for issuance of the work permit under section 2." I read a lot of this really to drive home the point that I am sure it is a Bill, call it a Child Labor Bill, but it is an attempt that was very seriously thought out to attempt to keep your child

in school. There are a lot of restrictions to protect their well being. I certainly hope that you will vote for the pending motion which is the Minority Ought To Pass Report, and when the vote is taken I would like a Roll Call please. Thank you.

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

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me first say that I agree completely with everything that the good Senator from York, Senator Carpenter has said. In fact, this is my third year serving in this Body, and I believe this is the most important piece of legislation and the best crafted piece of legislation that the Labor Committee has brought before this Body. The Minority Report did not deal with all the issues, however. It did leave out one issue regarding child labor alone. That issue was included in the Majority Report, and I will address that issue in a moment. Let me first speak generally about the Bill. Senator Carpenter did an outstanding job in highlighting the many areas of the Bill regarding the educational advantages, the work hours, the penalties, minimum wage aspect, etc.. We worked the entire month of March on this Bill. We had a hodge-podge of Bills regarding child labor. We took all of them and worked together, and compromised on all the issues, and came up with what I think is a terrific Bill. It streamlines for businesses the many laws that have been in effect over time regarding Child Labor Laws. It helps teachers and Principals to hold their students accountable regarding work and the work place, and how it effects their education standards. What it doesn't do is effect illegally employed minors at the work place. The Majority Report did. You have in front of you two editorials, and we have had ten or twelve different articles printed regarding this legislation in the last three years. I am not going to read the entire editorials that have been done in the Portland Press Herald regarding these, but I would like you to look at both of these and look at how they talk about the issue of work place safety and the responsibility that we should have in addressing this issue. It is an important part of the Majority Reports legislation. I would like to point out that this is bipartisan Majority Report legislation. This was not simply a Democratic or Republican Bill, but one that had wide spread support. In this particular issue of difference, what the good Senator from York and I had there was also bipartisan support. I would like to end by saying that, quite briefly as we say that word so often, that part of the Bill we will be addressing in the Majority Report after we deal with the Minority Report, protects minors from bad employers who would put them in hazardous situations illegally. That is all we want to do with this Bill. No more and no less. With that I look forward to this Roll Call, and then a Roll Call on the Majority Report. Thank you.

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

Senator **CARPENTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. My friend and colleague from Cumberland County, Senator Esty seems pretty positive that we are going to get to the Majority Report, and he is more than likely correct. I certainly hope not. We are not speaking on the Majority Report at this moment, we are on the Minority Report, and it is a real good Bill, and I hope everybody understands that we need a Labor Bill a Child Labor Bill, if nothing else but for educational purposes and protecting the children. I bring this up reluctantly, but I think you might understand if I say this might be the only Bill that we have a chance of passing as the Minority Report. I really hope that you will consider it carefully and give your vote to the Minority Report. Thank you.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I find it difficult to talk about the Minority Report without mentioning some comparisons to the other Report, and I would say that both address many areas equally well with respect to child safety in the work place and the Child Labor Laws in general. They both provide for penalties and increased sanctions, and I think to that extent that they are in par. However, the Report before us does not deal with a part that is, I consider, more than the rest of the pieces that make up the pie. That is the part relating to Workers' Compensation. As this Legislature struggles very hard with the Workers' Compensation issue with two Committees working to arrive at some substantive improvement in the system, it is difficult for me to note that in this legislation were we to reject the present Report we would entertain a Bill that essentially says that Workers' Compensation is not applicable in certain cases, and it essentially says that the tort system is available as a remedy. It sort of ignores the fact that Workers' Compensation is a no fault insurance wherein both the employer and the employee do surrender some things in order for this system to work. Essentially, the employer agrees that it is a no fault system, and there are provisions to pay for medical costs and loss of time and other benefits that are outlined in the present law. I am not going to go into detail there, but it is a no fault system, and employers pay the cost of it entirely, and employees give up their right under the Common Tort Law to sue. For some 80 years roughly, it has been prevalent throughout the United States. I think that the first law in Maine was enacted around 1913, and the Court has continued to say that there should be exclusivity in places where people are injured in the work place with the Workers' Compensation System. It forbids the use of the tort law. As I understand the proposal before us, the other Report will make an exception to that rule, and it seems to me that that is something that ought not to happen regardless of how dire the circumstances are. I know something about the cases that were brought before the Court, because a couple of them happened to be in my fair City of Caribou. They were indeed a sad situation. It seems to me to remedy this problem, is with the Child Labor Law with the addition of penalties and with the strengthening in general of all our Child Labor Laws, and both of the Reports do, and do well. I am deeply concerned that the other Report rejects our present system of

Workers' Compensation, and says in effect in certain cases, you may go and have a Court action against your employer. I think if we are to gain both in the betterment of our Child Labor Laws and the betterment of the Workers' Compensation system the least we could do is leave that part of it out and see if the two Committees wish to address it in there Workers' Compensation proposal they will be presenting to us shortly. I have on my desk a number of the court findings in recent cases, and I am talking about the Law Court, the Supreme Court in Maine. All of them suggest that the only remedy in these cases is through the Workers' Compensation System. I think we ought not to make any changes in that thing unless it is incorporated in some fashion with the all encompassing proposal that we hope to get from those two Committees that are working on it. That is the reason why I urge you to pass the current proposal which has all the other good things in the Bill, but does not address that part pertaining to Workers' Compensation. I hope that when you vote that you will vote in favor of the Minority Report, which is the Report that is before us at this moment. Thank you.

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

Senator **CONLEY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Like the good Senator from Cumberland, Senator Esty, I too, serve on the Labor Committee along with the good Senator from York, Senator Carpenter. I rise to address some of the remarks made by the good Senator from Aroostook, Senator Collins. I would say to the Body that he has, in fact, described very accurately how we handled child labor problems through the Workers' Compensation System at this time. In fact, he has discussed a very serious case that has occurred in his own jurisdiction, his own District, Caribou. It was involving a child who was killed while working on the back of a garbage truck. It was a very tragic accident, that child was informed by the Court that he could only go through the Workers' Compensation System for a remedy. The reason why I have not gotten up on a lot of labor reports is because I feel the two Senators from the Majority and Minority Party respectively have done a good job explaining the Committee's positions, and articulating the Committee's rationale in the positions they have adopted, but I do think it is important to answer the good Senator from Aroostook. In fact, exclusivity is very important, and I would be very, very careful before I would go along with removing that important bar for suit for employers. This is a very serious situation where a child has been employed by a company and then hurt. That child is then locked in for the rest of his or her life to a very minimal amount of money that he or she can get if they are seriously hurt. One example is, if somebody cuts somebody's trees down, we have said that somebody is entitled to three times the damages they should get as opposed to some other type of property. We place a value on trees. We think that is important. Another good example we use is when somebody has willfully hurt somebody, we allow somebody to sue for punitive damages. Above and beyond what you would normally give in a tort action a typical civil damages case. In the area of criminal laws, we said

where somebody uses a gun to commit a crime as opposed to just committing a crime, we imposed mandatory jail sentences of up to a year or more in some cases. This particular situation where a child is hurt on the job where he has been illegally employed, I would say that it is similar in the sense that it is so different from those other types of cases. I think it is incumbent upon the Legislature to look at those differently. I think that the Committee considered that type of rationale when they looked at this situation. We have differed in how we approached it. I think that the good Senator from Cumberland has articulated the rationale of why we happened to part from our regular course of action in these particular types of situations. Thank you.

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

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to address further a couple of the comments by the good Senator from Aroostook, Senator Collins. I would like to point out that the court cases that he is referring to were limited to what they could do because the language we had regarding Workers' Compensation. Secondly, as he has stated, the two Subcommittees of Banking and Insurance and Labor are working diligently to put together a strong Workers' Compensation reform package, and it seems to me that if the good Senator is recommending that changes such as we are advocating in the Majority Report should be made. We have so many things to do with those two Committee's if the changes are appropriate, why not do them here. After all, the changes deal with illegally employed minors. Next, the concept of why Workers' Compensation in existence was explained by the good Senator. The premise that we are working by deals with employees and management with Workers' Compensation, and the philosophy and the relationship, it wasn't envisioned in that relationship that we would be talking about illegally employed minors. That is different. That is very very different. Let me also add that this is not something that no one else has done. Twenty-eight other states has an additional remedy for these very narrow situations. Some of the states deal with this situation with greater awards. Some through the right to sue. This is not unique at all. Lastly, this proposal in the Majority Report would reduce costs however small to the Workers' Compensation System by taking these costs out of the compensation system. If you leave them in, and increase the penalties for these situations however small, they will increase costs to the system. I don't think that makes sense right now either. I would once again ask that this Body support the Majority Report, if and hopefully we will get to it. First vote down the Minority Report. Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I fully understand the concern that the Committee has had, and I know that they have dealt with a very emotional subject and it has been difficult. It seems to me that we ought not balance Child Labor Laws on the back of the Workers' Compensation System. It seems to me that that is a different point in which we do not agree. It seems to me that dealing with Child

Labor Laws, we have elected to make them tougher and that is fine. If we wish to increase the penalties that is fine. If we wish to improve our record keeping, I would agree that all those things are important in order to eliminate the illegal use of children in our work place. I think that we are asking for trouble when we decide to put aside the law that we have had for these many years. The philosophical part of it which says in effect that the employer pays the bill for Workers' Compensation, and the employees are subject to receiving the benefits in the case of an injury. I just don't feel that it is an appropriate place to add this language to a Child Labor Law. I have some sympathy for perhaps different awards under the system in cases that are as acute as the ones we were talking about, where it seems to me that once we enter into the field of tort law, we are saying that the Workers' Compensation System is not a satisfactory method in our society. I think in spite of all the problems we have had, I think it is a very workable, possible, reasonable solution for both employees who are injured and for employers. I hope you will keep this in mind when you vote on this issue. If you find in your voting that you can support the Minority Report, it seems to me that you have the opportunity to further address this issue in your deliberations on the restructuring of the Workers' Compensation System. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator CARPENTER of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594) Report in NON-CONCURRENCE.

A vote of Yes will be in favor of the motion by Senator CARPENTER of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594) Report in NON-CONCURRENCE.

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 BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, PRESIDENT PRO TEM - JEFFERY N. MILLS

ABSENT: Senators None



13 Senators having voted in the affirmative and 22 Senators having voted in the negative, with No Senators being absent, the motion of Senator **CARPENTER** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-593) **READ**.

On motion by Senator **ESTY** of Cumberland, Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593) **READ**.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think I have this amendment down. I just briefly heard about it. It is an attempt to take a financial note off this Bill by lowering the age requirements that this Bill is all about. Instead of having 18 years protection under the Child Labor Law it is going back to 16 years old. I oppose it. It doesn't make any sense we have worked since March on a Bill to increase the ages to help the child stay in school and not quit school, pass a majority of their courses and increase the penalties to employers who are not complying with the law. For a financial note of \$35,000 for the next two years, each to eliminate one of the main portions of the Bill, I would move that we defeat this amendment and request a Division. Thank you.

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

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not sure how to react to what the good Senator from York, Senator **Carpenter** has said. Let be very straight forward to this Body. I am not pleased with having to do this either. This is not one of the main most important part of the Bill, but I thought it was important provision of the Bill. I thought it was something that was good to do. What we did with this Bill, with this part of a comprehensive Bill, was increase the work permit ages so there would be greater accountability educationally. It had been at the level of under 16, and we moved it up to under 17. When we did that a fiscal note was added for an additional person. Unfortunately, we had hoped that the penalty provision would generate enough revenues to pay for this provision, but what happened was, we got a fiscal note back that said "undetermined amount of revenues". We got a fiscal note that also said one position. It seemed to me, and to the Committee that it made sense with this very important Bill to go back to the age in which we do permits. This is not a change in present law. It brings it back to where we are now so that we have the staffing to deal with this situation. The Bill was better without this amendment, but it is still an excellent Bill. It was necessary to deal with the fiscal realities

that we are facing in this state. Senator **Carpenter** knows that, and he is supportive of the concept of this very important piece of legislation. He may be unhappy with this amendment, but so am I, and there is no reason to not try to accomplish something very important with this Child Labor Bill. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was a school teacher for 23 1/2 years, and one of the most frustrating things was that kids weren't in school because they were working, or they were too tired when they got there. I think Senator **Carpenter** and Senator **Esty** are of one mind, and what separates them is \$35,000. That is the what I understand anyway. I would like to pose a question to either one of them. What does a work permit cost?

**THE PRESIDENT PRO TEM:** The Senator from Penobscot, Senator **Pearson** has posed a question through the Chair to any member of the Committee on Labor who cares to answer. The Chair recognizes the Senator from York, Senator **Carpenter**.

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. A work permit as far as I know is free. That is a fine way to have it. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ADOPT** Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593).

A Division has been requested.

Will all those in favor of the motion by Senator **ESTY** of Cumberland to **ADOPT** Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593), please rise and remain standing in their places 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 **ADOPT** Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593), **PREVAILED**.

Committee Amendment "A" (H-593) as Amended by Senate Amendment "A" (S-347) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

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

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

Senator **MATTHEWS:** Thank you. Mr. President. Ladies and Gentlemen of the Senate. Before we take our Roll Call vote to vote on this Bill, I have one question for any member of the Labor Committee. It

has been mentioned that Maine will be joining three other states, and I agree with the comments that have been made by the good Senator from Cumberland, Senator Esty and others that we need to do something. My question is this. In those other states, do they also have a provision which allows for a suit in cases of illegally employed minors that are injured, or will we be the first state to allow this to happen?

**THE PRESIDENT PRO TEM:** The Senator from Kennebec, Senator Matthews has posed a question through the Chair for any member of the Labor Committee who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Yes, in fact, there are 28 states that provide additional remedies. Some within the system and some without. There are 11 states that provide this remedy with the right to sue. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion of **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto, in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto, in **NON-CONCURRENCE**.

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 **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - JEFFREY N. MILLS**

**NAYS:** Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER**

**ABSENT:** Senators None

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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

**Off Record Remarks**

On motion by Senator **PRAY** of Penobscot, **RECESSED** until 8:40 in the evening.

After Recess

Senate called to order by the President Pro Tem.

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

**ORDERS**

**Joint Resolution**

On motion by Senator **CLARK** of Cumberland (Cosponsored by: Senator **CAHILL** of Sagadahoc, Representative **GWADOSKY** of Fairfield, Representative **MARSANO** of Belfast) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 756

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PRESERVE FEDERAL FUNDING**

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, freedom of speech is the most fundamental principle of our democratic society; and

WHEREAS, physicians and medical providers have a professional duty and are required by oath to inform patients of all legal, safe medical options for any medical conditions; and

WHEREAS, on May 23, 1991, the United States Supreme Court issued an opinion in Rust v. Sullivan that restricts the availability of information regarding family planning and abortion to women seeking the services of Title X federally funded clinics; and

WHEREAS, the Supreme Court has provided no exceptions in consideration of the life and health of the mother for instances in which the pregnancy is a result of violence, incest or rape; and

WHEREAS, the effect of the Supreme Court ruling is that all women, and particularly low-income women, attending family planning services in Title X federally funded clinics may not receive all safe, legal constitutionally protected options to an unintended pregnancy, including parenthood, adoption and abortion; and

WHEREAS, the Supreme Court's ruling unfairly harms low-income women and families who will not have the same access to information or medical care as women and families of means; and

WHEREAS, as many as 27,000 Maine women will not have access to complete information; and

WHEREAS, S 323 and HR 392 are pending before the United States Congress and would abrogate the court's decision; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to pass and the President of the United States to sign into law S 323 and HR 392 as quickly as possible; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and each Member of the Maine Congressional Delegation.

Which was **READ**.

On motion by Senator **CLARK** of Cumberland, Senate Amendment "A" (S-366) **READ** and **ADOPTED**.

Which was **ADOPTED**, as **Amended**.

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,500,000 to Fund Grants and Loans to Municipalities and Regional Associations for Recycling Equipment and Facilities and to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills"

H.P. 1325 L.D. 1917

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

Signed:

Senators:

PEARSON of Penobscot  
BRANNIGAN of Cumberland

Representatives:

CARROLL of Gray  
POULIOT of Lewiston  
PARADIS of Frenchville  
HICHBORN of Howland  
MICHAUD of East Millinocket  
CHONKO of Topsham  
RYDELL of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-608)**

Signed:

Senator:

FOSTER of Hancock

Representatives:

REED of Falmouth  
FOSS of Yarmouth  
MACBRIDE of Presque Isle

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

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Promote Fully Informed Legislation and Rulemaking"

H.P. 913 L.D. 1310

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

Signed:

Senators:

BERUBE of Androscoggin  
EMERSON of Penobscot

Representatives:

KERR of Old Orchard Beach  
NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union  
GRAY of Sedgwick  
WATERMAN of Buxton  
KILKELLY of Wiscasset

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

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

HEESCHEN of Wilton  
LARRIVEE of Gorham  
JOSEPH of Waterville

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

Which Reports were **READ.**

On motion by Senator **BERUBE** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED** in **NON-CONCURRENCE.**

The Bill **READ ONCE.**

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

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

**ENACTORS**

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Land for Maine's Future Program to Finance the Acquisition of Land for Conservation, Outdoor Recreation, Habitat Conservation and Public Access

H.P. 435 L.D. 618  
(C "A" H-600)

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources"

H.P. 1148 L.D. 1673  
(H "A" H-626 to C  
"A" H-567)

In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567) AS AMENDED BY HOUSE AMENDMENT "A" (H-626)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567) AS AMENDED BY HOUSE AMENDMENT "B" (H-669)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **VOSE** of Washington, the Senate **RECEDED** and **CONCURRED.**

**Non-concurrent Matter**

Bill "An Act to Annex the Town of Richmond to Lincoln County"

S.P. 683 L.D. 1811  
(C "A" S-280; H "A"  
H-549; S "A" S-346)

In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AND HOUSE AMENDMENT "A" (H-549) AND SENATE AMENDMENT "A" (S-346).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AS AMENDED BY HOUSE AMENDMENT "A" (H-671)** thereto, **AND HOUSE AMENDMENT "A" (H-549) AND SENATE AMENDMENT "A" (S-346)** in **NON-CONCURRENCE.**

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Clarify the Solid Waste Landfill Remediation and Closure Program"

S.P. 639 L.D. 1687  
(S "A" S-309 to C  
"A" S-296)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY SENATE AMENDMENT "A" (S-309)** thereto.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY SENATE AMENDMENT "A" (S-309)** thereto, AND HOUSE AMENDMENT "A" (H-668) in **NON-CONCURRENCE**.

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

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**Non-concurrent Matter**

Bill "An Act to Require the Use of People First Language in the Maine Revised Statutes and to Authorize Administrative Implementation of Associated Changes in Terminology"

H.P. 1274 L.D. 1845  
(C "A" H-536)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536)**, in concurrence.

Comes from the House with the Report **READ** and Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

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Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws" (Emergency)  
H.P. 1296 L.D. 1873

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-667)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-667) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1991 (Emergency)

H.P. 1356 L.D. 1948

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

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

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

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1357 L.D. 1949

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-670)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-670) **READ**.

Senator **BRAWN** of Knox moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-670) in **NON-CONCURRENCE**.

The same Senator requested a Division.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the good Senator from Knox, Senator Brawn, as to why she would wish to Indefinitely Postpone House Amendment "A" (H-670)? Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Cumberland, Senator Clark poses a question through the Chair to any Senator who may care to answer. The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't want to be ruled out of order as I was once before when I tried to, and I am not 100% sure of the parliamentary procedure at the point I am in. I would not like to kill this Bill. I would like to save the Bill. However, an amendment has been put on and I would like to tell you why I disagree with it. I know you have all been set aside and lobbied no matter what faces have been shown to me. The Knox County Delegation met together last winter, and this item that is being changed around was put into another part of the item, and one member of our complete delegation said in the beginning that they would never vote for this no matter what. We tried to work together and save this, and did put it on the line that you have in front of you know. If you care to turn to page 3 on L.D. 1949, An Act to Revise the Salaries of Certain County Officers (Emergency), only one person is against this and all the other people are supportive of this. I really hope that you will allow us to strip this amendment off and we will be on our way. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill apparently came from State and Local Government. I frankly don't remember it going through, although I probably should. I have taken a look at it and I have been given a copy of a law that we apparently we either missed in Committee or this was done so fast we didn't pick it up. It says, "No County Commissioner during the term that Commissioner has been elected, and for one year there after may be appointed to any office of profit or employment position of the county which was created, or the compensation of which was increased by the action of the County Commissioners during the County Commissioners term." Apparently, if I look at the amendment and I look at the law what we have done from State and Local is to put \$13,000 and actually Commissioners only get \$4,000. I don't know of any Commissioner in the state that gets \$13,000 a year. It is my understanding that this Commissioner is also doing the overseeing of the building of the jail. In Kennebec County one of our Commissioners who happens to be a housing expert is overseeing that jail, but we don't pay him anything more. I suspect it is because the law says we can't. We are now in the position, and I don't want to get into an argument with the Knox County Delegation, that is not my purpose, and I truly don't know what to do about this, except to suggest that perhaps at this late hour to resubmit it to Committee and lets talk about it. I don't know exactly what you do or ask the Knox County Delegation to get together and find out how they resolve the statutory problem. There is a problem here, and I would suggest that someone Table this until later in today's session.

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending the motion by Senator **BRAWN** of Knox to **INDEFINITELY POSTPONE** House Amendment "A" (H-670) in **NON-CONCURRENCE**. (Division Requested.)

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

#### PAPERS FROM THE HOUSE

#### Non-concurrent Matter

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials  
H.P. 1202 L.D. 1758

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-655)**.

Minority - **Ought Not to Pass**.

In House, June 12, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-655)**.

In Senate, June 12, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **PRAY** of Penobscot moved to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**.

Senator **CAHILL** of Sagadahoc requested a Division.

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

Senator **PRAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the proposed amendment to the Constitution that provides for a recall of state elected officials. It was discussed earlier this evening, and it has been discussed in the various caucuses. In my caucus I raised a lot of concerns about this Bill, but I also thought there was a possibility of working out something that would not necessarily be advisable to the majority of the elected officials in the state. Since that caucus that we had, I had looked at what a number of other states do, and see that they have established limitations on a time period of which a recall can take place. An example is an individual that may already be on the ballot for reelection could not be subject to a recall. There is a time period after a person is elected that doesn't count, and there is a time period prior to an election that doesn't count. I had voted for the proposal earlier this evening with the intent of getting it to Second Reading where amendments could be offered to make it more palatable. I understand some individuals are opposed to this, and I used the opportunity in the procedural sense to where it may be able to be amended. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **PRAY** of Penobscot to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**.

A Division has been requested.

Will all those in favor of the motion by Senator **PRAY** of Penobscot to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**, please rise in their places and remain standing until counted.

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

28 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **PRAY** of Penobscot to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**, **PREVAILED**.

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

## ORDERS

On motion by Senator **TWITCHELL** of Oxford the following Order:

### SENATE ORDER PROPOUNDING QUESTIONS TO THE JUSTICES OF THE SUPREME JUDICIAL COURT

WHEREAS, it appears to the Senate of the 115th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is now before the Senate for its final enactment Committee Amendment "A" to House Paper 598, Legislative Document 849, "An Act to Stabilize the Maine Dairy Industry" and the constitutionality of that Act has been questioned; and

WHEREAS, the Act establishes an excise tax on the handling in this State of packaged milk for retail sale in this State; and

WHEREAS, that excise tax would be payable by milk dealers at the wholesale level for milk packaged in this State for retail sale in this State and would be payable by milk retailers at the retail level for milk packaged outside this State and imported into this State for retail sale in this State; and

WHEREAS, the overwhelming majority of milk purchased by consumers in this State is produced and packaged in this the State; and

WHEREAS, if persons subject to the excise tax established by the Act or persons who package milk outside the State for retail sale in the State challenge or do not pay the excise tax, there is a substantial likelihood of severe disruption in milk markets in this State that could pose a serious threat to the continued viability of the dairy industry in this State; now, therefore, be it

**ORDERED**, that in accordance with the provisions of the Constitution of Maine, the Senate respectfully requests the Justices of the Supreme Judicial Court to give the Senate their opinions on the following questions of law:

Question No. 1. If the provisions of Legislative Document 849, as amended by Committee Amendment "A," become law, would they violate the Commerce Clause of the United States Constitution, Article I, Section 8, Clause 3?

Question No. 2. If the provisions of Legislative Document 849, as amended by Committee Amendment "A," become law, would they violate the Public Purpose Clause of the Constitution of Maine, Article IV, Part Third, Section 1?

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

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from Penobscot, President PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Oxford, Senator MILLS to his seat on the Floor.

Senate called to Order by the President.

Off Record Remarks

**THE PRESIDENT:** In reference to the action of the Senate, whereby it **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE** on:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials

H.P. 1202 L.D. 1758

The Chair appointed as conferees on the part of the Senate:

- Senator GAUVREAU of Androscoggin.
- Senator CONLEY of Cumberland.
- Senator COLLINS of Aroostook.

The Secretary has so informed the Speaker of the House.

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

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1359

ORDERED, the Senate concurring, that Bill, "An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies," H.P. 1166, L.D. 1707, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

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

**ORDERS OF THE DAY**

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

Bill "An Act to Improve Motorcycle Driver Education"

H.P. 1026 L.D. 1499  
(C "A" H-457; H "A" H-582)

Tabled - June 12, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AND HOUSE AMENDMENT "A" (H-582)**, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AS AMENDED BY HOUSE AMENDMENT "A" (H-645)** thereto **AND HOUSE AMENDMENT "A" (H-582)** in **NON-CONCURRENCE**.)

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of Committee Amendment "A" (H-457).

House Amendment "A" (H-645) to Committee Amendment "A" (H-457) **READ**.

On further motion by same Senator, House Amendment "A" (H-645) to Committee Amendment "A" (H-457) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-457) **READ** and **ADOPTED**.

Committee Amendment "A" (H-457) as Amended by Senate Amendment "A" (S-364) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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



Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) H.P. 1357 L.D. 1949

Tabled - June 12, 1991, by Senator WEBSTER of Franklin.

Pending - the motion by Senator BRAUN of Knox to INDEFINITELY POSTPONE House Amendment "A" (H-670) in NON-CONCURRENCE (Division Requested)

(In Senate, June 12, 1991, House Amendment "A" (H-670) READ.)

(In House, June 12, 1991, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-670).)

Senator BRAUN of Knox requested and received leave of the Senate to withdraw her request for a Division.

On further motion by same Senator, House Amendment "A" (H-670) INDEFINITELY POSTPONED in NON-CONCURRENCE.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (Emergency)

S.P. 743 L.D. 1935 (S "A" S-363 to H "A" H-648)

In Senate, June 10, 1991, PASSED TO BE ENGROSSED.

In House, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-648) in NON-CONCURRENCE.

In Senate, June 12, 1991, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-648) AS AMENDED BY SENATE AMENDMENT "A" (S-363) thereto, in NON-CONCURRENCE

Comes from the House, that Body ADHERED.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program"

H.P. 1358 L.D. 1950

Reported that the same Ought to Pass, pursuant to Joint Order (H.P. 1352)

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.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Related to the Office of Substance Abuse"

S.P. 90 L.D. 175

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-359)

Minority - Ought Not to Pass

Tabled - June 12, 1991, by Senator BUSTIN of Kennebec.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1991, Reports READ.)

Senator BUSTIN of Kennebec moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not going to oppose the Majority Ought to Pass Report. My name is on the Minority Report, and I would like explain to you why, if you will bear with me for a moment, I know it is quite late and I am sorry. I just have to tell you why. This is the restructuring of the Office of Substance Abuse, taking most of it out of the Department of Human Services and making it an independent agency department. I had hoped that by transferring the duties into one department that we could have also included changes that deal with the exemption from liability of the treatment facilities and their employees, which will be considered sort of a governmental entity to be exempt from liability. I had hoped that we would change the section that mandates treatment at the hands of a councilor for first time offenders in the DEEP Program. I had hoped also that we would not mandate that the new department fix the fees and revenues, and collect them as well. They would be left with the people who do licensing and registration. I guess I had hoped that we would address the DEEP Program, but that may come another day. There was also another area that I was very concerned with. I believe the Senator from Kennebec, Senator Bustin will shortly offer an amendment which removes the involuntary commitment from the current statute as well as removing it from the Bill. Thank you.

On motion by Senator BUSTIN of Kennebec, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

Committee Amendment "A" (S-359) READ.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-365) to Committee Amendment "A" (S-359) READ and ADOPTED.

Committee Amendment "A" (S-359) as Amended by Senate Amendment "A" (S-365) thereto, ADOPTED.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, As Amended.

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

On motion by Senator BUSTIN of Kennebec, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED:

An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission

S.P. 508 L.D. 1346  
(C "A" S-281)

(In Senate, June 12, 1991, PASSED TO BE ENACTED, in concurrence.)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ENACTMENT.

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SECOND READERS

House As Amended

Bill "An Act to Promote Fully Informed Legislation and Rulemaking"

H.P. 913 L.D. 1310  
C "A" (H-454)

Which was READ A SECOND TIME.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a mention for the Record that I believe that this has such a heavy fiscal note that it will land on the Special Appropriations Table, so I am not to awfully concerned, but this is another one of those rulemaking Bills where we what to get a hold on the impact for municipalities and that is okay with me. I don't have a hard time with that. The fact of the matter is, we do not have a measurement tool yet to use. This makes this an extremely expensive Bill. I don't think we are ready for that kind of thing yet, although I would like it to be. Hopefully the MMA and Company is working on getting to that place, but this is not the time, and I am not asking for a Division or an opposition. Just let it go onto the Special Appropriations Table. I just wanted to make it a matter of Record. Thank you.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Appropriations and Financial Affairs Committee will be meeting tomorrow morning at 10:00 a.m., if we are not still in session. We will begin the process of what we have to do. We will be dealing with L.D.'s that are in our Committee first. After that on the next two mornings, we will be meeting at 9 a.m. in the morning beginning the process. I want people to understand something, I understand that no one seems to want to listen. This is why I asked that it be put on the Record. I can later say I told you so. The biggest deadline that we have facing us is July 1st, but even before that, I am told by my staff downstairs, and I communicated this to the President, a deadline of June 22nd is the date that the state will be cutting the checks that are necessary to pay for the July payments. We have usually at this point in a normal year, passed the part one Budget by this time, this is not a normal year. It covers the continuing operating expenses, and then we would be dealing with the part two Budget, and we are not in that situation right now. We have that hanging over us, and I want to tell you that I am not sure that we can deal with it in that amount of time. I also have had a number of requests of Committees that want to meet with us again. I have said no because we don't have the time. Thank you.

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**ORDERS OF THE DAY**

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

Bill "An Act to Annex the Town of Richmond to Lincoln County"

S.P. 683 L.D. 1811  
(C "A" S-280; H "A"  
H-549; S "A" S-346)

Tabled - June 12, 1991, by Senator WEBSTER of Franklin.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AND HOUSE AMENDMENT "A" (H-549) AND SENATE AMENDMENT "A" (S-346).**)

(In House, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AS AMENDED BY HOUSE AMENDMENT "A" (H-671) thereto, AND HOUSE AMENDMENT "A" (H-549) AND SENATE AMENDMENT "A" (S-346) in NON-CONCURRENCE.**)

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

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Off Record Remarks

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On motion by Senator TWITCHELL of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Permit Off-track Betting"

H.P. 665 L.D. 944  
(H "A" H-596 to C  
"A" H-541)

In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541) AS AMENDED BY HOUSE AMENDMENT "A" (H-596) thereto, in concurrence.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541) AS AMENDED BY HOUSE AMENDMENT "D" (H-672) thereto, in NON-CONCURRENCE.**

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

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**Non-concurrent Matter**

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

S.P. 691 L.D. 1837  
(C "A" S-291)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291).**

In House, June 11, 1991, Resolve and Accompanying Papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

In Senate, June 11, 1991, **INSISTED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-673).**

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

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

**ENACTORS**

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

**Emergency**

An Act to Improve Student Financial Assistance Services

H.P. 750 L.D. 1070  
(C "A" H-646)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED**.

(See Action Later Today)

**Emergency**

An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine and the Maine State Housing Authority"

H.P. 1149 L.D. 1674  
(H "A" H-642 to C "A" H-569)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**:

An Act to Improve Student Financial Assistance Services

H.P. 750 L.D. 1070  
(C "A" H-646)

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

**ENACTORS**

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

An Act to Enhance the Filing of Documents in the Registry of Deeds

H.P. 95 L.D. 136  
(C "B" H-656)

An Act Concerning Salary Provisions for Automotive Industry Personnel

S.P. 491 L.D. 1329  
(C "A" S-354)

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed

S.P. 507 L.D. 1345  
(C "A" S-239)

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

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

**COMMUNICATIONS**

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

June 12, 1991

Honorable Joy J. O'Brien  
Secretary of the Senate  
115th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking (H.P. 1284) (L.D. 1854):

Representative GWADOSKY of Fairfield  
Representative GRAY of Sedgwick  
Representative LORD of Waterboro

Sincerely,

S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

**ORDERS OF THE DAY**

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

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Construction, Purchasing and Renovation of Correctional Facilities  
H.P. 559 L.D. 802  
(C "A" H-611)

Tabled - June 12, 1991, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611), in concurrence.)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

On motion by Senator CLARK of Cumberland, 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 ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

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 BRANNIGAN, BRAWN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, HOLLOWAY, KANY, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BERUBE, BOST, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GOULD, LUDWIG, MCCORMICK, WEBSTER

ABSENT: Senators BALDACCI, MATTHEWS

Senator THERIAULT of Aroostook requested and received leave of the Senate to change his vote from NAY to YEA.

This being an Bond Authorization Act and having received the affirmative voted of 22 Senators Members of the Senate, with 11 Senators having voted in the negative, and 22 Senators being two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Major Improvements and Renovations at State Park Facilities and the Restoration and Preservation of Historic Buildings  
S.P. 705 L.D. 1876  
(C "A" S-325)

Tabled - June 12, 1991, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-325), in concurrence.)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Some people may be inclined to think that a State Park Bond Issue is not a priority. I would like to try to convince you

that it is. We are told by the people who run the State Parks in this administration that we have certain requirements that we unable to meet. If we do not meet them, the parks will be closed until they are met. They are of public safety nature. For example, in this Bond Issue there are \$400,000 for surface water supplies. Sebago Lake, Peaks Kinney, Mount Blue and Rangeley Lake. Access for persons with disabilities for which we must do to fulfill the laws which we have passed in the following parks: Rangeley Lake, Sebago Lake, Reid, Mount Blue, Camden Hills, Cherry Beach, Swan Lake, Crescent Beach, Range Ponds, Wolfsneck Ponds, Damariscotta Lake and Aroostook Park. Sewerage and septic in a number of other parks, Sebago, Camden, Lilly Bay, Fort McClarey, Rangeley Lakes, Range Pond, Two Lights, Bradbury Mountain, Mount Blue, Aroostook, Reid and Lake St. George. Places where we are not able to meet the electrical codes are Lamoine, Wolfsneck, Quaddy Head, Fort Knox, Sebago Lake, Crescent Beach, Aroostook, Camden Hills, Roque Bluffs, Bradbury Mountain and Holbrick Island. Water system components in fifteen other parks, Fort Knox Park in the Bucksport area, the restoration and water proofing of roof and rehabilitation of the draining systems. The list goes on. It is not a small list. It is something that is made up of things that absolutely need to be done in State Parks. For that reason I urge you to pass this, not only because it is the right thing to do, but for a tourism draw to the state. 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 would like to thank the Senator from Penobscot for his comments regarding this Bond. I am sure that he is sincere in his belief that we need to do this. Perhaps the Senate will vote to do that tonight. I, for one, want to be opposed to this. For years the constituents that I represent are people in rural Maine say we should be paying some of these things up front, and I know as well as everyone else does that we don't have any money this year, and it appears to me that this is one of those things that we ought to be looking for to pay out of the General Tax Payers Funds, and for that reason I will be opposing it. I thought that particularly since the good Senator from Penobscot made reference to some of the areas that I represent, that I ought to be on Record as to why I oppose it. Thank you.

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

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

Senator **LUDWIG:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to join the good Senator from Penobscot, Senator Pearson in reminding the group that not only do we have State Parks at various spots around our beautiful state, but in answer to the good Senator from Franklin, Senator Webster, we do have a small fee for admittance to all of our State Parks, and the fees are going to be increased this year. One of the reasons for having State Parks is so that people of

every background and financial capability can go there for a day with their families and enjoy the beauties that many of them cannot afford if they do not have access to the coast or to a lake. I hope you will recognize their value, not only to the tourists, but to the people of this state who deserve a chance to get away for a day and relax in our State Parks. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I certainly will not belabor this issue in the last hours of the evening, but I did want to comment that on this Bond Issue there is some significant repair that must be done to some of our sites throughout our state, and in fact, representatives from the department told us that if that repair does not take place, we could stand to permanently lose some of the historic spots that we have preserved for a number of years. I would encourage you to support the passage of this Bond Issue. Thank you.

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

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 3 Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**ORDERS**

**Joint Order**

On motion by Senator **DUTREMBLE** of York, the following Joint Order:

S.P. 757

**ORDERED,** the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

Which was **READ.**

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Off Record Remarks

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Which was **PASSED**.

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

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1361

ORDERED, the Senate concurring, that Bill "An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance," H.P. 896, L.D. 1293, and all its accompanying papers, be recalled from the legislative files to the House.

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

Which was **READ**.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This has been brought to my attention and I would like to tell the Senate what this Bill does. I was hoping Senator Mills or someone else would have spoken, but perhaps Senator Mills could explain. He has told some of us, but perhaps the membership would like to know what we are doing. Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This was an unanimous Ought to Pass Report, and our Clerk, Mary York, as many of you know has been quite seriously ill. She has not been here, and by mistake, since we have not had the Clerk in Legal Affairs, it was reported out Unanimous Ought Not to Pass. It should have been Ought to Pass. This Bill is being recalled from the dead file, and I would hope that you will vote with it. All the members of the Committee are in favor of the Bill. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15 this Joint Order requires a two-thirds voted of those present and voting.

Will all of those members in favor of **PASSAGE**, please rise and remain standing in your place until counted.

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

31 Senators having voted in the affirmative and No Senators having voted in the negative, the Joint Order was **PASSED**, in concurrence.

**ORDERS OF THE DAY**

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Tabled and Unassigned Table the following:

**Emergency Resolve**

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center  
H.P. 1164 L.D. 1705  
(C "A" H-453)

Tabled - June 10, 1991, by Senator **CLARK** of Cumberland.

Pending - **FINAL PASSAGE**

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453)**, in concurrence.)

(In House, June 10, 1991, **FAILED OF FINAL PASSAGE**.)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Unassigned matter:

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities  
H.P. 787 L.D. 1119  
(H "A" H-623 to C "A" H-609)

Tabled - June 12, 1991, by Senator **PRAY** of Penobscot.

Pending - **ENACTMENT**

(In Senate, June 12, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609) AS AMENDED BY HOUSE AMENDMENT "A" (H-623)** thereto, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENACTED.**)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 3 Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **THERIAULT** of Aroostook, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

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  
(C "A" S-342)

Tabled - June 12, 1991, by Senator **THERIAULT** of Aroostook.

Pending - **ENACTMENT**

(In Senate, June 12, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-342, in concurrence.)

(In House, June 12, 1991, **PASSED TO BE ENACTED.**)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the Tabled and Unassigned matter:

An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries

H.P. 1324 L.D. 1916  
(C "A" H-613)

Tabled - June 12, 1991, by Senator **PRAY** of Penobscot.

Pending - **ENACTMENT**

(In Senate, June 12, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-613), in concurrence.)

(In House, June 11, 1991, **FAILED OF ENACTMENT.**)

On motion by Senator **BOST** of Penobscot, 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 **ENACTMENT**.

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

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, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

**NAYS:** Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER**

**ABSENT:** Senators **BALDACCI, MATTHEWS**

This being an Bond Authorization Act and having received the affirmative voted of 20 Senators Members of the Senate, with 13 Senators having voted in the negative, and 20 Senators being less than two-thirds of the Membership present and voting, this Bond Authorization Act **FAILED OF ENACTMENT**, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **PEARSON** of Penobscot, removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Land for Maine's Future Program to Finance the Acquisition of Land for Conservation, Outdoor Recreation, Habitat Conservation and Public Access

H.P. 435 L.D. 618  
(C "A" H-600)



Tabled - June 12, 1991, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 11, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600), in concurrence.)

(In House, June 11, 1991, FAILED OF ENACTMENT.)

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

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Land for Maine's Future Board has been in existence now for two sessions. Originally, it was given a jump start with much more money than is being asked for here this evening. It is about to run out of money. It will cease to exist very shortly and its operations for the future of Maine will be ended. I think that would be a shame. Those of us who are here are only here for a very brief period of time, and what we do here, and what we leave as our legacy is extremely important. I don't think there is anything any more important than to leave Maine to our children and our children's children. I think it should be better than we found it. This Land for Maine's Future Board is doing an outstanding job. I wish that they would spend a little more emphasis up my way, but I suppose everyone feels that same way about their part of the state. I hope that you will go along with the Committee on Appropriations and Financial Affairs and this Administration that supports this issue and vote for it this evening. It is so important, even though the amount is not very large, that the program will continue to limp along during this period of time. Land prices, I am glad to say, they are lower than they have been. I think it is terribly important, and I hope you will vote that way.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Although I appreciate the comments from the good Senator from Penobscot, Senator Pearson, I could not in good conscience send this type of proposal to the citizens of this state who have a hard enough time believing what is going on here in Augusta. One day they will read, and I have heard this in previous debate in the last six months, and they will hear that we are in desperate shape, and the next day we find \$2 million to help out some game farm somewhere. This doesn't send the kind of message that I think we should be sending to the citizens when it comes to tough fiscal constraints that we are under at this time. I wish that we could purchase \$50 million as the original Bond. I wish we could afford to do that. I have over the years been one of the handfuls, but I have always been one of the individuals that says hey, can we afford this or can't we? I don't think we can afford this Bond at this time. I don't think the voters would ever enact this anyway, but regardless of that, I think our job here is to send to the

voters the Bills based on priorities, and this is not as important to me, and I am only speaking to you tonight as the Senator from Franklin County, representing a rural area of the state where people are having a hard time making a living, and they don't need additional tax to commitments for their kids to have to pay for these Bonds. As far as I am concerned, this is one of the priorities that does not come at the top of the list at this time. I would ask you regretfully to oppose it. 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 find myself in the position of arguing for something that I have always held very dear to myself. That is the acquisition of land for people who cannot afford to have that kind of access to million dollar doors. I also find myself in a very strange position of advocating to the opposite Party the position of the Governor. I hope that they will think about that when they cast their vote. Thank you.

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

Senator FOSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I know this is a Bond Issue that is very dear to the heart of the Chairman of the Appropriations Committee, and I share in his frustrations, and I only say to him that when we do not agree with others it is difficult, and it is very close to my heart, also, and I do understand that you do have your priorities. I do understand that. Thank you.

The following proceedings were conducted after 12:01 a.m., Thursday, June 13, 1991.

**THE PRESIDENT:** The pending question before the Senate ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

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, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, FOSTER, GAUVREAU, KANY, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE

NAYS: Senators BRAWN, CAHILL, CARPENTER,  
COLLINS, EMERSON, GILL, GOULD,  
HOLLOWAY, LUDWIG, RICH, SUMMERS,  
WEBSTER, THE PRESIDENT -  
CHARLES P. PRAY

ABSENT: Senators BALDACCI, MATTHEWS

This being an Bond Authorization Act and having received the affirmative voted of 20 Senators Members of the Senate, with 13 Senators having voted in the negative, and 20 Senators being less than two-thirds of the Membership present and voting, this Bond Authorization Act **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 for Capitol Construction to Protect Public Water Supplies and Capital Construction of Water Pollution

S.P. 502 L.D. 1340  
(C "A" S-326)

Tabled - June 11, 1991, by Senator PEARSON of Penobscot.

Pending - **ENACTMENT**

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-326).)

(In House, June 11, 1991, **PASSED TO BE ENACTED**.)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 2 Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### PAPERS FROM THE HOUSE

##### Joint Resolutions

The Following Joint Resolution: H.P. 1360

#### JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PREVENT DESECRATION OF THE AMERICAN FLAG WHILE UPHOLDING THE BILL OF RIGHTS

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, the American flag is a symbol of national unity, provides a beacon of hope and liberty for every nation in the world, is a source of tremendous national pride and is cherished as the embodiment of our country's history, traditions and ideals; and

WHEREAS, our Armed Forces have defended our country's freedoms under the banner of the Stars and Stripes from the Revolutionary War to the present day; and

WHEREAS, the American flag is also a symbol of the fundamental framework of individual rights laid down in the Constitution and is a symbol of the political heritage of this most noble experiment, our nation; and

WHEREAS, this is the bicentennial year of the passage of the Bill of Rights and as the individual rights guaranteed by those amendments to our nation's Constitution constitute the very essence of our political heritage of liberty and freedom; and

WHEREAS, the Bill of Rights has stood unchanged since its adoption on December 15, 1791 and, as a result, has served as the unvarying bulwark that protects individual liberty in this country; and

WHEREAS, any change to the Bill of Rights may create a dangerous precedent and may open the door to incremental erosion of the basic rights enjoyed by all Americans; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to take appropriate action to ensure that proper respect and treatment will always be accorded to the American flag and to ensure that desecration of our flag will be prevented while continuing our nation's long and proud history of preserving the integrity of the Bill of Rights to the Constitution of the United States; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and each Member of the Maine Congressional Delegation.

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The Following Joint Resolution: H.P. 1362

**JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO UPHOLD AND PROTECT THE BILL OF RIGHTS**

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, this is the bicentennial year of the passage of the Bill of Rights; and

WHEREAS, the fundamental framework of individual rights as laid down in the Bill of Rights constitutes the very essence of our political heritage of liberty and guarantees our freedom; and

WHEREAS, the Bill of Rights has stood unchanged since its adoption on December 15, 1791 and, as a result, has served as the unvarying bulwark that protects individual liberty in this country; and

WHEREAS, any amendment to the Constitution on any single issue of the moment that diminishes to any degree the Bill of Rights will create a dangerous precedent and may open the door to incremental erosion of the basic rights enjoyed by all Americans; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the Congress of the United States to reject any proposed amendment that may now or in the future diminish the strength of the Bill of Rights; and be it further

**RESOLVED:** That We urge the Congress of the United States to secure and preserve the Bill of Rights in its historic and current form; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

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

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

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

**ENACTORS**

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

An Act Amending Certain Motor Vehicle Laws  
H.P. 1209 L.D. 1765  
(C "A" H-653)

Which was **PASSED TO BE ENACTED**.

On motion by Senator **THERIAULT** of Aroostook, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion by same Senator, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

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Senator **TITCOMB** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **TITCOMB**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I had hoped to be given the opportunity before the stroke of midnight to do a special presentation. Considering that before midnight it was the birthday celebration of the good Senator from Washington County, Senator Vose. But after thinking about this for a few minutes, I realized that it wasn't terribly important to be accurate when it came to Senator Vose's birthday, because I found from what he stated to his age, that he was not overly concerned about accuracy, so I was not real concerned when I realized that we were going to go over the midnight hour.

I was told by the good Senator from Kennebec, Senator Bustin, that there had been a tradition at one time in this Body, that on birthdays of our members, that there would be something unique that would be written about each one. The presentation that I have tonight it entitled, "Harry Vose, the Birthday Boy. In 1927, a stork flew overhead, and brought the bundle sweet and new in someone's baby bed. A bumpy trip to say the least, but such a little dear, with dimpled chin and chubby cheeks, our Harry Vose was here. A little fuzz upon his head, a little Cupid smile, he never squawked or raised the roof, at least for a little while. There was never a single doubt, because in a flash we knew, that Harry would be quite a guy when little Harry grew. And so it is, he is sitting here at 39 or more, a Senator of great esteem that all of us adore. And though his squawking has increased, and raise the roof he will, his dimpled chin and chubby cheeks are sweet and rosy still. Like vintage wine he has mellowed well, a classic in our time, and even if the gifts are scarce, you get this little rhyme. Now celebrate and have a ball, that is what a birthday is for, we will see you here in "92" when you are 39 once more." Happy Birthday!

Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **VOSE** of Washington, **ADJOURNED** until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.