

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

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

In Senate Chamber

Thursday

March 5, 1992

Senate called to Order by the President.

Prayer by the Honorable Barbara A. Gill of Cumberland.
SENATOR BARBARA A. GILL: Heavenly Father, as we stand before you today in this season of Lent, we ask your divine intervention to help us remember that there are two sides to every issue. If there are no longer two sides, it ceases to be an issue. Also, the best way to understand is to be understanding. The best preacher is the heart. The best teacher is time. The best book is the world and the best friend is God. Amen.

Reading of the Journal of Wednesday, March 4, 1992.

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

S.P. 939

ORDERED, the House concurring that when the House and Senate adjourn, they do so until Monday, March 9, 1992, at 10:45 in the morning.

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish a Trauma Advisory Committee and a Voluntary Trauma Reporting System"

H.P. 1233 L.D. 1797

(C "A" H-915)

In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915) AS AMENDED BY HOUSE AMENDMENT "A" (H-1038)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Succession to the Positions of Treasurer of State and Secretary of State

H.P. 1478 L.D. 2090

(C "A" H-932)

In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932) AS AMENDED BY HOUSE AMENDMENT "A" (H-1032)** thereto, in **NON-CONCURRENCE**.

The Senate **ADHERED**.

(See action later today)

Non-concurrent Matter

Bill "An Act to Reestablish the Rangeley Water District"

S.P. 839 L.D. 2143

(C "A" S-566)

In Senate, March 3, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-566)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-566) AS AMENDED BY HOUSE AMENDMENT "B" (H-1040)** thereto, in **NON-CONCURRENCE**.

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

Off Record Remarks

House Papers

Bill "An Act Concerning Site Protection at Former Mining Operations"

H.P. 1715 L.D. 2400

Committee on **TAXATION** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **ENERGY & NATURAL RESOURCES**.

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

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

H.P. 1716 L.D. 2401

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

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

Bill "An Act to Reestablish the Mining Excise Tax Trust Fund Board of Trustees"

H.P. 1714 L.D. 2399

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication:
115TH MAINE LEGISLATURE

February 12, 1992
Robert L. Woodbury, Chancellor
University of Maine System
107 Maine Avenue
Bangor, Maine 04401

Dear Chancellor Woodbury:
We are pleased to extend an invitation to you to address a Joint Convention of the 115th Legislature

on Monday, March 9, 1992 at 11:00 a.m. We understand that this date is agreeable with your schedule. We look forward to seeing you on March 9th to hear your views on the "State of Education" in Maine.

Sincerely,
 S/Charles P. Pray S/John L. Martin
 President of the Senate Speaker of the House
 Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
UNIVERSITY OF MAINE SYSTEM
107 MAINE AVENUE
BANGOR, MAINE 04001

February 21, 1992

The Honorable Charles P. Pray
 President of the Senate
 The Honorable John L. Martin
 Speaker of the House
 The State House
 Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

I am honored by your invitation to address a Joint Convention of the 115th Maine Legislature and pleased to accept.

Monday, March 9, at 11:00 a.m. is most satisfactory. I look forward to sharing with you and your colleagues my views on the state of the University of Maine System during these difficult times.

Sincerely,
 S/Robert L. Woodbury
 Chancellor

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

COMMITTEE REPORTS
House
Ought to Pass

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Governing the Practice of Hairdressing" (Emergency)

H.P. 1604 L.D. 2266

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

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

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

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

Ought to Pass As Amended

The Committee on **BANKING & INSURANCE** on Bill "An Act to Require the Issuance of Motor Vehicle Insurance Identification Cards" (Emergency)

H.P. 1600 L.D. 2262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1020) **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.

The Committee on **JUDICIARY** on Bill "An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement"

H.P. 1433 L.D. 2045

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1022)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1022)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1022) **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.

The Committee on **LABOR** on Bill "An Act to Correct an Inconsistency Between the Maine Employment Security Law and the Federal Unemployment Tax Act"

H.P. 1465 L.D. 2077

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1025)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1025)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1025) **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.

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Clarify the Law Governing Contracts of Adhesion"

H.P. 1412 L.D. 2024

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1019)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1019)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1019) **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.

The Committee on **MARINE RESOURCES** on Bill "An Act to Prevent the Poaching of Aquaculture Products" (Emergency)

H.P. 1562 L.D. 2200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1016)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1016)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1016) **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.

Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program"

H.P. 1656 L.D. 2333

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1015)**.

Signed:

Senators:

KANY of Kennebec
MCCORMICK of Kennebec

Representatives:

MITCHELL of Vassalboro
ERWIN of Rumford
TRACY of Rome
KETOVER of Portland
RAND of Portland
PINEAU of Jay
JOSEPH of Waterville
GARLAND of Bangor
HASTINGS of Fryeburg
CARLETON of Wells

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

Signed:

Senator:

BRAWN of Knox

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015)**.

Which Reports were **READ**.

Senator KANY of Kennebec moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I am going to be a renegade and be the only minority on this Report. I want to stand and take just a minuteto explain to you why I signed the Ought Not To Pass jacket. This Bill, L.D. 2333, directs the Secretary of State to hold an advisory referendum at the next general election, which would be in November, to determine whether the voters of the State favor the Congress of the United States establishing a national health insurance program. If that word national wasn't there I would feel a little better. Secondly, I would like to call your attention to your amendment H-1015 which gives you the fiscal note of what this is going to cost if put out to the public. The estimated cost in sending this question out to referendum will vary according to the total number of referendum enacted during the Second Regular Session of our 115th Legislature, but the estimated cost to the Secretary of State if 1 to 6 are enacted is \$95,000. Each additional one enacted would be

\$7,000 more. In these recessionary times when we are fighting for aid to education and all these different things we are concerned about, I have a very big problem with this. This is from the report we get from the Maine Hospital Association January 30, 1992, it said Senator George Mitchell and Bill Cohen as well as U.S. Representative Olympia Snowe expressed strong doubts that a national insurance program run by the Federal Government would maintain quality, be efficient, contain costs, and still meet the needs of the American people.

I would like to briefly call your attention to a couple of things that are happening today. I don't mind being alone on this issue. My father always taught me if everyone is going to go jump off the Brooklyn Bridge, Lin, that doesn't mean you have to. Stand your ground for what you believe in. I think this is one of those issues that is like apple pie and everybody wants health care. Ladies and Gentlemen of the Senate, I think this is too complex of an issue. Everybody says of course we all want health care. In the Presidential primary, Mr. Kerry is pulling out of the race today. I said in the beginning he would never go anywhere because he campaigned on one issue, national health care. Where we live in Maine, the Canadians are coming across the border in droves because national health care does not bring down cost. I think we are fooling the voters when we do this. I wanted to, for the record, say I think this is too complex of an issue to treat as something simple. It is not simple. I believe Congress is already working on several issues. I do want to very strongly say, I am concerned about health care. We all are concerned about and want health care. What we really need to address is the affordability of it. We all have access, that is the law but the affordability of it concerns me. I appreciate the opportunity to tell you why I signed on the Ought Not To Pass jacket. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me read you this referendum question. "Do You Favor the Passage of National Legislation That Would Establish A Comprehensive and Affordable Health Insurance System For All Americans?" That is what we are proposing to let the citizens of Maine vote on. If it were up to me, it would be much stronger than that. If it were up to me, it would have said; Do You Favor A National Health Insurance System and not as the good Senator from Knox, Senator Brawn pointed out, affordable health care which is like mother and apple pie? The good Senator from Knox, Senator Brawn said if it didn't have the word national in there, she could support it. This is the same person who tells us when we worked for a statewide health insurance system, that she could agree with it if it wasn't just State, it is really a national problem. Have you notice that it is getting bounced around. Some people say it should be national and other people say it should be State. Somebody has to start doing something about this Legislation. Everyone agrees that we have a problem. All sides agree there is a problem. I say let's get on with the war. We know there are different ways of fixing this problem. Let's fight it out and decide which one we are going to do. This pussyfooting around is killing the people of the State of Maine, literally killing them. It is tearing money out of our pockets and

completely desimating our economy. It is putting us at a disadvantage in the world economy and it is time we started to do something about it. This mildest step we could take is to ask the citizens of the State of Maine what they think about it. The other mild step we could take is L.D. 701. I urge you to vote in favor of this most mildest steps towards thinking about a solution to our health insurance system. 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 pose a question to any member of the Committee who might be willing to answer. I understand on several occasions our Secretary of State has rule that a particular Bill could not be offered to the voters because it would have no impact. For example, the Secretary of State very recently ruled that the voters could not petition and ask the Legislature to change the size of the Legislature and limit terms. The public has been asking for this and there was a group of people who formed and said they would like to go to the voters and they went to the Secretary of State and asked to have it placed on the Ballot. They wanted to work out the language and go to the voters to get enough signatures to limit terms and to reduce the size of the Legislature. As many of you may know, because of our Constitution, it would never be enacted unless the Legislature did that. This group of people, which I happened to have been involved with, were interested in doing something to limit terms. They went to the Secretary of State and he said it would have no impact so I won't allow you to put it on the Ballot. I'd like to know if that is the case why this proposal would be on the Ballot, since it really is meaningless. We could pass a Joint Resolution here which would be unanimously supported asking Congress to look at this issue. It would seem to me there have been several occasions when the voters have wanted to do something and our Secretary of State has told them no because it would have no impact. I'd like to know whether our Secretary of State is supporting this? If so, it seems contradictory to me. 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. In answer to the Senator from Franklin, Senator Webster's question, our State Constitution allows the citizens to petition to seek a change in Statute in two ways. One way is to initiate a Statutory change and the other way is to offer a people's veto. In other words, to veto a Statutory measure that the Legislature has passed. Those are the only two things that the State Constitution allows citizens to initiate. The measure that Senator Webster talked about would have been an advisory referendum and not a Statutory change or a people's veto. Our State Constitution does not allow for that nor does it allow the people to petition for a change in the States Constitution.

Second, the Committee did not ask the Secretary of State for his opinion. We are allowed, as State Legislators, to initiate an advisory referendum. Our Committee went on record 12-1, clearly a strong bi-partisan vote, in favor of this. I would venture to guess that most of us would rarely if almost ever support an advisory referendum. We felt that this

issue rises to that level of importance. We are well aware that our Congressional Delegation and the President of the United States are aware of the significance of this issue. We felt it was so significant to move forward quickly and so important that we wanted our Congressional Delegation to be able to demonstrate what we would believe would be an extremely strong vote of the support of the people of Maine to move quickly forward on this issue. We are not that specific if it is pay or play. We purposely did not indicate the specifics but we wanted the people of Maine to have an opportunity to speak on this issue.

Yesterday, on another Bill, I referred to the Congressional Report from the General Accounting Office on health insurance, one called "Cost Increases Lead to Coverage Limitations and Cost Shifting." This is a 1990 Report so it is quite up to date. In this Report, the Congressional Report to Congress on the national uninsured, the figure was over 31,000,000 people in the United States. This was not counting the underinsured and the shift that is occurring in which the employers have traditionally provided the premiums and the shift that we referred to yesterday from community ratings to avoid all those risks. This leaves those people uninsured. Clearly this is unacceptable. We believe the people of Maine would like an opportunity to give their Congressional backing and their President that message. It is for that reason you see such a strong 12-1 Report. 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 really find this particular issue amusing. I think we ought to send a referendum out to the people of Maine and ask them whether we ought to divert twice from the national buildup and use that money for education. Perhaps next year we could send out a referendum that we want more money for education because that is something the people would support. This is embarrassing to me. There is no question that health care is a problem. We could argue as to who caused this problem or what we ought to do to fix it. When do we stop? I would love to know what the Secretary of State would say about this. I find it appalling when people are asking to submit Legislation and if you like it it is ok to put it out to referendum. If the Secretary of State's office happens to agree with it it will go in. This reminds me of the infamous missile testing referendum we did a few years ago that was meaningless. That was done by petition drive, at least that made more sense than enacting a law. This is without question going to pass and I would suggest to those of you who are listening that others will follow. I may even submit one myself because I think we ought to be asking the people of Maine whether they want money spent for education. We ought to ask if they think the Federal Government ought to spend more money on education and I bet they will say yes. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would suggest if the good Senator from Franklin, Senator Webster has issues of pressing concern that he feels that we, as Mainer's, should be sending our opinions to the Federal Government than by all means he should put it

out. I want him to understand that just submitting a Bill doesn't mean it will get the support of the Committee. This happens to be something that 12 members of the Committee strongly support and there seems to be genuine concern about the health care problem and health care coverage. It is embarrassing, I agree with him full heartedly. It is totally embarrassing that our President continues to ignore the problems with health care. The quicker we can send a loud message, the better it is for all concerned. Thank you.

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

The Chair ordered a Division.

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

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

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **KANY** of Kennebec, to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1015) **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.

Off Record Remarks

**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 **GILL** for the Committee on **HUMAN RESOURCES** Resolve, to Revise the Charter of the Van Buren Hospital District (Emergency)

S.P. 858 L.D. 2182

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Govern Residential Propane Gas Suppliers"

S.P. 898 L.D. 2317

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-584)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-584) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **GILL** for the Committee on **HUMAN RESOURCES** on Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (Emergency)

S.P. 815 L.D. 2014

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-593)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-593) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **GILL** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Laws Concerning Adoption Assistance"

S.P. 856 L.D. 2180

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-592)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-592) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Laws Governing Solicitations by Police Officers"

S.P. 830 L.D. 2134

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

Signed:

Senators:

MILLS of Oxford

KANY of Kennebec

SUMMERS of Cumberland

Representatives:

LAWRENCE of Kittery

JALBERT of Lisbon

PLOURDE of Biddeford

POULIN of Oakland

RICHARDSON of Portland

STEVENS of Sabattus

HICHENS of Eliot

BOWERS of Sherman

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-580)**.

Signed:

Representatives:

DAGGETT of Augusta

TUPPER of Orrington

Which Reports were **READ**.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Bill I sponsored and I felt I should say a few words before I let this go. You probably remember a Bill we all worked on last year that dealt with police solicitation and how much we worked on a compromise agreement on what occasions members of the law enforcement agencies could solicit. We worked on a compromise that said as long as you didn't receive any tangible benefits you could go out and collect money for a project you might be doing like the bicycle safety program. What happened after the Legislation was passed, the Attorney General overruled that they couldn't even do that. I put a Bill in to clarify what the intent of the Legislature was. In the meantime the courts struck down the law altogether and said it was unconstitutional. The

question in Committee at that time was whether or not we should just let it sit since the law is no longer there or should we take out everything in the law altogether. Those members of the Committee who decided to report it out did so because the Attorney General's Office were going to pursue it at another cost to the State and I believe they felt they should stop this altogether and start over again. That is why I half heartedly support this. Seeing how all the members of the Senate voted against it I will.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This has been an issue of solicitation by police officers that has been around for many years. I would like to go over the history as the good Senator from York, Senator Dutremble has. I would like to add a little bit more to what he said. I think it is important that we realize that originally Maine had a law against solicitation by officers and it was a very strict law and it was upheld by the court system. Then the Legislature decided they would water down that Bill and try to make it so that people would be able to solicit under certain circumstances. When we watered down the original Bill that had gone through the court system, and had been upheld then the court struck it down and said basically you have to outlaw solicitation. You cannot allow amendments to go on to it.

What happened last year was we got into the very same situation again. We had a Bill in to outlaw solicitation and it was going to be very strict to go back to what had originally been allowed by the courts. We had it sailing through the process and it got here in the Senate. Senator Dutremble of York offered an amendment to go onto the Bill and we allowed that to go on as a compromise. It went to the courts again and they once again struck it down. The Attorney General's Office feels we should move on in the process because they are going to the next level in the courts. They are appealing this decision to find out whether or not, because we have allowed amendments to go on, or if the courts feel that solicitation by police officers should not be stopped by Legislation. It is unclear. The Attorney General's Office feels we should go on because if we do not go on at this point and appeal the process, we are probably going to have a Bill like this come back again. We should let it go through the courts, at this point, so we can get a clear decision from the courts as to what they feel is constitutional and, what is not. We should allow the Attorney General's Office to continue through the courts so we can make sure we know. If we have another Bill come back on this we will have a clear ruling from the courts as to what is legal for us to put in and what is not. I believe the majority of the members of the Committee people feel that we should allow the Attorney General's Office to go on so it will become clearer to us as a Legislative Body.

I understand the idea if you go to court it cost more money but our feeling is that we are already at this level of the court and if we do not continue on to the end, we will probably come back in a few years and start all over at the bottom. We might as well continue to the end and get the answers from the court. Then we can come back and get a final Bill or no Bill on this subject that will be held up in the courts. Thank you Mr. President.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**. Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Repeal the Laws Governing State Investments in Companies Doing Business in South Africa"

S.P. 868 L.D. 2215

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

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

HEESCHEN of Wilton

GRAY of Sedgwick

KERR of Old Orchard Beach

JOSEPH of Waterville

LARRIVEE of Gorham

KILKELLY of Wiscasset

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-585)**.

Signed:

Senators:

BERUBE of Androscoggin

EMERSON of Penobscot

Representatives:

NASH of Camden

LOOK of Jonesboro

WATERMAN of Buxton

SAVAGE of Union

Which Reports were **READ**.

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

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. When the vote is taken I request that it be taken by the Yeas and Nays. Last session we debated this Bill and it was passed. I frankly think this Bill is improperly before us because we are in Second Regular Session, this is an emergency session and this is not an emergency Bill. It should never have been before us in the first place. The Majority Report of Ought Not To Pass from the Committee and we are debating exactly the same issue that we debated last session. We should not be taking our precious time on this. It should be summarily defeated and we should get on with the business of what this Second Regular Session is about. 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.

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

SECOND READERS

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

House

Bill "An Act Concerning Passamaquoddy Indian Territory"

H.P. 1469 L.D. 2081

Bill "An Act Concerning Penobscot Nation Trust Land Designation"

H.P. 1472 L.D. 2084

Bill "An Act to Modify the Medical Examiner Act to Limit Liability of Medical Record Providers"

H.P. 1597 L.D. 2259

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

House As Amended

Bill "An Act Requiring the Provision of Information to Victims of Gross Sexual Assault"

H.P. 359 L.D. 513

(C "A" H-963)

Bill "An Act Pertaining to Pole Attachment Rate Disputes"

H.P. 1470 L.D. 2082

(C "A" H-991)

Bill "An Act to Revise the Maine Horticultural Laws"

H.P. 1498 L.D. 2110

(C "A" H-986)

Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission"

H.P. 1514 L.D. 2126

(C "A" H-957)

Bill "An Act Related to Ordinary Death Benefits under the Maine State Retirement System as It Affects Terminally Ill Members"

H.P. 1554 L.D. 2192

(C "A" H-998)

Bill "An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties"

H.P. 1555 L.D. 2193

(H "A" H-1012)

Bill "An Act to Strengthen the Maine Weights and Measures Law"

H.P. 1558 L.D. 2196

(C "A" H-1004)

Bill "An Act to Modify Various Licensing and Registration Laws and to Address Budgetary Constraints" (Emergency)

H.P. 1592 L.D. 2246

(C "A" H-990)

Resolve, Concerning the Removal of Residential Underground Oil Tanks (Emergency)

H.P. 1614 L.D. 2275

(C "A" H-1003)

Bill "An Act to Expand the Membership of the Maine Committee for Global Education"

H.P. 1623 L.D. 2286

(C "A" H-996)

Bill "An Act to Amend the Laws Governing Respiratory Care Practitioners" (Emergency)

H.P. 1631 L.D. 2295

(C "A" H-1001)

Bill "An Act Concerning the Use of Alternative Coding Systems for Plastic Containers"

H.P. 1649 L.D. 2312

(C "A" H-1000)

Bill "An Act to Amend the Charter of the Dexter Utility District"

H.P. 1667 L.D. 2343

(C "A" H-999)

Bill "An Act to Amend the Charter of the Portland Water District" (Emergency)

H.P. 1668 L.D. 2344

(C "A" H-1002; H "A" H-1026)

Bill "An Act to Create the Searsmont Village Water District"

H.P. 1687 L.D. 2367

(C "A" H-1009)

Bill "An Act to Create the Dresden Mills Water District" (Emergency)

H.P. 1688 L.D. 2368

(C "A" H-1017; H "A" H-1021)

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

Bill "An Act to Provide Community Rating of Health Insurance Providers"

H.P. 507 L.D. 701

(H "A" H-1014; H "B" H-1035 to C "A" H-1007)

Which was **READ A SECOND TIME**.

Senator CAHILL of Sagadahoc requested a Division.

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

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate

Bill "An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates"

S.P. 767 L.D. 1963

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Provide Increased Local Participation in Comprehensive Land Use Planning"

S.P. 836 L.D. 2140

(C "A" S-573)

Bill "An Act to Clarify Adult Protective and Guardianship Responsibilities"

S.P. 859 L.D. 2183

(C "A" S-574)

Bill "An Act to Amend Child Labor Laws"

S.P. 866 L.D. 2213

(C "A" S-575)

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

Sent down for concurrence.

**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 Tabled and Specially Assigned (3/4/92) matter:

Bill "An Act to Repeal the Community Corrections Act"

S.P. 934 L.D. 2392

Tabled - March 3, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.)

(In Senate, March 3, 1992, **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. This is the Bill the Corrections Committee is going to be discussing this afternoon at 1:00. I would appreciate a tabling motion until we can get back to you with a decision of the Corrections Committee. Thank you.

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

The Chair laid before the Senate the Tabled and Specially Assigned (3/4/92) matter:

Bill "An Act to Promote Economic Recovery" (Emergency)

S.P. 935 L.D. 2393

(S "A" S-570)

Tabled - March 3, 1992, by Senator **MATTHEWS** of Kennebec.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee

(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.)

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

Senate Amendment "A" (S-570) **READ** and **ADOPTED**.)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

The Chair laid before the Senate the Tabled and Specially Assigned (3/4/92) matter:

Bill "An Act Regarding Industrial Electrical Rates" (Emergency)

S.P. 936 L.D. 2395

Tabled - March 3, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(Committee on **UTILITIES** suggested and **ORDERED PRINTED**.)

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

The Chair laid before the Senate the Tabled and Specially Assigned (3/4/92) matter:

Bill "An Act to Clarify the Maine Juvenile Code"

S.P. 937 L.D. 2396

Tabled - March 3, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.)

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

The Chair laid before the Senate the Tabled and Specially Assigned (3/4/92) matter:

An Act to Promote Child Safety

H.P. 1025 L.D. 1498

(C "A" H-925)

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 3, 1992, **RECONSIDERED ENACTMENT**.)

(In House, March 2, 1992, **PASSED TO BE ENACTED**.)

Which 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 Specially Assigned (3/4/92) matter:

Bill "An Act Creating the Victims' Compensation Board"

H.P. 1265 L.D. 1834

(H "A" H-984; H "B"

H-989 to C "A" H-965)

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

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

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

(In House, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENTS "A" (H-984) AND "B" (H-989) thereto**.)

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Specially Assigned (3/4/92) matter:

An Act to Enable the Department of Human Services to Have a Presence in Every County through Enhanced Administrative Flexibility

H.P. 620 L.D. 890

(C "A" H-884)

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 27, 1992, **RECONSIDERED ENACTMENT**.)

(In House, February 20, 1992, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the Tabled and Later Today Assigned (3/4/92) matter:

Emergency

An Act to Provide More Effective Recovery of Child Support

H.P. 1222 L.D. 1780

(C "A" H-899)

Tabled - March 4, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899)**, in concurrence.)

(In House, March 4, 1992, **PASSED TO BE ENACTED.**)

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.

The Chair laid before the Senate the Tabled and Later Today Assigned (3/4/92) matter:

Bill "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens"

H.P. 1707 L.D. 2388

Tabled - March 4, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 4, 1992, **READ A SECOND TIME.**)

(In House, March 3, 1992, **PASSED TO BE ENGROSSED.**)

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

Emergency

An Act to Amend the Laws Governing Placement of Insurance in the Surplus Lines Market

H.P. 1473 L.D. 2085

(S "A" S-560 to C "A" H-922)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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 Provide for the 1992 and 1993 Allocations of the State Ceiling on Private Activity Bonds

S.P. 874 L.D. 2235

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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 **GILL** of Cumberland, **RECESSED** until the sound of the bell.

After Recess
Senate called to order by the President.

On motion by Senator **BERUBE** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADHERED** on: **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Clarify Succession to the Positions of Treasurer of State and Secretary of State

H.P. 1478 L.D. 2090

(C "A" H-932)

(In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932).**)

(In House, March 4, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932) AS AMENDED BY HOUSE AMENDMENT "A" (H-1038)** thereto, in **NON-CONCURRENCE.**)

On further motion by same Senator, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION.**

Under suspension of the Rules, all matters thus acted upon were 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 Reestablish the Mining Excise Tax Trust Fund Board of Trustees"

H.P. 1714 L.D. 2399

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In House, March 4, 1992, **REFERRED** to the Committee on **TAXATION** and **ORDERED PRINTED.**)

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

Off Record Remarks

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

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Repeal the Laws Governing State Investments in Companies Doing Business in South Africa"

S.P. 868 L.D. 2215

Majority - **Ought Not To Pass**

Minority - **Ought To Pass As Amended by Committee Amendment "A" (S-585).**

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered).

(In Senate, March 5, 1992, Reports **READ.**)

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we recessed you heard a statement made that is totally inaccurate. You heard that it was not proper to have this Bill before us because last year we had the same Bill and it was defeated. That was a different issue. It

should not be in a Second Regular Session was totally inaccurate. The Bill that you had before you last year, was a Bill that would have prevented the State of Maine from making any purchases from any company that had business in South Africa. For example, Ford Motor Company, if we needed a Ford Motor Truck part, we could not have encouraged the local dealer, we would have had to go to another company like Toyota which supposedly does not do business in South Africa but does so under another name. This is a different issue. That was a purchases Bill last year.

The Bill that is before us today does only one thing. It delays the sunset date from July 1, 1992 until January 1, 1994 or until a multi-party transitional government is in place in South Africa. This is what the Bill does. Senator Bustin of Kennebec, if she would pick up the new Bill which is the amended Bill, would have known this. 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. To clarify what I did say on this Bill, I have to ask for a Roll Call and support my motion was that the Bill L.D. 2215, in my opinion, was improperly before us. An opinion can not be judged right or wrong, it is merely an opinion. I understand what the good Senator from Androscoggin, Senator Berube is saying. She is talking about an amendment that replaces the Bill. The Bill is what got the amendment before you in the first place. It is still my opinion that it is improperly before you and in fact, on section 3 on Page 1 of the Bill it says: 5 MRSA 1954 as amended by PL 1991 C515 Subsection 2 is repealed. That is what this Bill is about. The amendment is different than what the Bill was. 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. The Bill last year specifically had in the title, dealt with purchases of materials goods, replacement parts, etc. The original Bill that the Senator from Kennebec, Senator Bustin has cited deals with the divestiture of stocks under the Maine State Retirement System. Two different issues. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question to any one on the Committee who can answer it. Since I can't find the amendment on my desk, I was wondering if the Chair of the Committee could explain what S-585 does. Does it, in fact, repeal the divestiture Bill which we passed in 1986?

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It defers by eighteen months the sunset date which was scheduled for July 1, 1992. It defers it until January 1, 1994 for the simple reason that with the ongoing negotiations in South Africa it is very probable that within that eighteen month period, a multi-racial constitution will have been set in place. It defers the date or until such time as a multi-party transitional government is in place. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. From reading this amendment, it seems to me that essentially what will happen is that the divestiture statute which was passed here seven years ago and has made Maine part of a quilt of States across this country who have participated in divestiture in order to get the South African Government to try to restore some democracy in that country and abolish apartheid, we will automatically allow divestiture to happen if this amendment is accepted. The Treasurer of this State without further action from this Body will be able to remove divestiture. I think that is an unwise move, even if it is tied to a creation of a multi-party system. The people who have supported divestiture and worked across this country to get it into so many states are opposed to having this type of automatic divestiture occur. I have actually met with Ambassador Schwartz who I believe is an honorable person and he came up here and lobbied against the Bill which the Senator from Kennebec, Senator Bustin and the Senator from Androscoggin, Senator Berube are talking about that we considered last session. He did a pretty good job because we were never able to overturn the Governor's veto in reference to that Bill. I am convinced that given the instability in South Africa at this time, it would be very unwise to tinker with our divestiture statutes.

Anyone who has been following the papers know that President DeKlerk has now had to call for a referendum in that country participated in by whites only. Whites only to determine whether or not he still has a mandate to bring about the types of reforms which the whole divestiture movement was designed to bring about. It is unclear, as we speak, whether or not President DeKlerk has the support of his own people. When I say his people, I mean whites because those are the only people who are going to participate in this referendum. Given that instability, I think it is unwise for us to do anything that is going to take the pressure off that country to keep moving towards full democracy for everyone who lives there. For that reason, unless I hear a better explanation for the need for this Bill, I am going to be opposed to it. Thank you.

Off Record Remarks

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First I would like to ask a question of those that are supporting this Bill. I would imagine if we are going to do this then other States are probably following suit. My first question is would Maine be the only State that is now going to repeal its divestiture laws? We have joined in concert with many States in this Country that cherish freedom in passing divestiture laws with South Africa. I cannot wait to hear the answer to my second question. As mentioned by the good Senator from Cumberland, Senator Conley, you only have to read the newspapers and watch the news to see what is going on in South Africa. It seems to me that the repealing or delaying of the divestiture laws that we worked so hard to pass, would be exactly the wrong signal to send to South Africa. In fact, if you want to help the DeKlerk government to do what

it should have done many years ago which is to allow the majority population to participate in their government, then don't repeal the divestiture laws. That signal is going to make it extremely hard for DeKlerk to hang on to a reactionary group of white minority in that Country that basically wants to put the Blacks down as they have been in that country. This Legislation concerns me. I think it is going in the wrong direction and I would like to know an answer to my question. 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 am looking for my list of states. I know one particularly, Oregon, and I have their statement in this folder. There are, I believe, sixteen states that are presently considering this. I don't know how many of them have done so by now. I have gleaned a lot of newspaper clippings from the Globe, The Times, The Wall Street Journal, and one newspaper I like very much The Christian Science Monitor. The Christian Science Monitor has kept me abreast of all the positive changes that are going on.

All the issues that brought about the sanctions and the boycotts are valid. Since 1948, when the apartheid laws were passed, there were some herendous events in South Africa. All apartheid laws have now been repealed by law. All of them have been repealed by law. They have done that within a two to two and a half year Presidency of DeKlerk and his nationalist party. It took the United States over two hundred years to free the slaves. It took another one hundred years before they were allowed to sit in the front of a bus. They are still pockets of discrimination in our own Country. We should be encouraging them for the progress they have made. For example, any non-white can purchase land and a home in any neighborhood. In order to do that they need money. If there continues to be a 42% unemployment, as of last week according to the Christian Science Monitor, people are not going to have the means with which to better their status in life. They have the ability to do it now but they need the means to do it. There is ongoing negotiations between Dr. Mandella of the ANC and DeKlerk and his party. Cultural sanctions have been lifted and the first event that we sent to South Africa was the concert of Paul Simon. Both Dr. Mandella and President DeKlerk were entertaining groups of people to bring this about and to support it. The only people who were opposed, who offered threats to the thousands of blacks who attended these multi-racial concerts, were the right wing conservatives as well as the marxist left the Pan-African Congress. Both of those radical extremist groups don't want to see any resolution. People like Dr. Mandella and President DeKlerk are very supportive and are working very hard. They have to do it by state and remember how long it took us and how short a time it has taken them.

Ambassador Schwartz became South African Ambassador as of March 1991. People like the Nobel Prize winner for Literature, Nadine Gortimer of South African for years has been a member of the African National Congress Party. She has said and I quote from her statement; "We have a firm base now. It is now time also that the boycotts be lifted." These are the people who are supporters of anti-apartheid laws. If we are really interested in boycotting and

sanctioning let's do it for those countries that are now violating human and civil rights. One of them is China where we are allowing American companies to set up base there. I don't see any sanction here, I would love to cosponsor that measure. I don't see any boycotts and sanctions against what is going on in the West Bank, without naming the country for fear of offending anyone. Forceable expatriotism is being carried on now. We are encouraging and sending Pepsi-Cola and all the other companies there. The Constitution is being worked on and negotiated. They have used the United States Constitution as well as our own Bill of Rights as a base of implementing the change.

One statement sticks in my mind that was made at the hearing. The opponents came from one particular group of advocates who are very interested and involved and I respect them for their interest. One man said, "After the Constitution is in place, we will only agree to lift sanctions when there is a redistribution of wealth." I think, in my mind, that says it all. We have to keep the middle ground. We hear people here saying we must encourage and rehabilitate people who have given up on our wayward way of life. They have been under substance abuse and we give them the means to get to the end of their goal. We don't cut the blocks under their feet, we help them. I would remind you that all of the other African Countries of which there are many, are doing business with South Africa. The European Community Nations have all lifted boycotts and sanctions. If we don't know it by now, in 1994 we are going to be in plenty of trouble if we don't amend our own laws pertaining to international trade.

The other thing I want to mention is that we have approximately, according to the Maine State Retirement System Paper, about \$28,000,000 to \$30,000,000 left. We had about \$140,000,000-\$150,000,000 monies invested in stocks of companies that do business in South Africa. I would remind you all that we have a \$2.4 billion unfunded liability on that retirement fund. I think we have to look at the credibility of the fund itself and to maintain a good base of that retirement fund. The best performing stocks of recent months have been pharmaceuticals and yet we have divested of those very companies because they sell to South Africa. They are the best performing stocks right now. We divested of Johnson & Johnson and yet we lost out when they split 2-1. To some of you that may mean nothing, but to the people who are trying to balance that State Retirement System 2-1 wouldn't have been a bad deal. We lost out on that. I guess what I am trying to say is that I don't think this is a bad Bill. I initially, in 1986, voted for it. I feel now the time has come that we have to lift those sanctions. The United States, last July, lifted all sanctions against South Africa. We did not see a regression in the negotiations between Dr. Mandella and President DeKlerk. In fact, it has expanded and magnified. I am merely saying let's delay the sunset of the remaining \$25,000,000 until January 1, 1994 and give them time to let the results of their convention to come to fruition. Freedom is incomplete if it is exercised in poverty. Thank you very much for your attention, I am sorry I took so long.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't know how many of you saw a cartoon in the Sunday Paper the other day. I want to describe it to you because I think it perfectly encapsulates this situation we find ourselves in. It was President Bush and President DeKlerk depicted in a hurdle race. President DeKlerk, of South Africa, was the runner of the hurdles and President Bush is standing over him. There is one hurdle in front of President DeKlerk and President DeKlerk is feebly lifting one leg up in a hurdle position and President Bush says, ok that's enough. That's good, we will remove the sanctions. I feel they have barely shown good faith and I quote Ray Flynn, Mayor of Boston who said; "United States on sanctions to South Africa, we were the last on and the first off." We were the last country to come on in the world community and put economic sanctions on South Africa and now guess what we want to bail out. We want to bail out before the game is over, before President DeKlerk has even got his foot up to get into a position to get over the first hurdle. It is not fine and it is not ok with Africans and it is not ok with Nelson Mandella who pleads with the world to keep sanctions on South Africa. It is not ok with Bishop Desmond Tutu, the winner of the Nobel Prize who pleads with the world community to keep sanctions on until we have one person, one vote. It is a very easy standard to assess. The good Senator from Androscoggin, Senator Berube points out that there have been lots of reforms. They are all paternalistically imposed by a government over which the majority black population no control. There is not one vote and there is no control. Now we read in the papers about a month ago that at an election in a town in South Africa, there was such an upset of President DeKlerk's party by the extreme white wing, white supremacist party that President DeKlerk's momentum towards change has been complete halted. He now feels he has to call an election and ask all the white people in the Country to vote on whether there ought to be a multi party government with black people voting. I say to you this is not the time to lift these sanctions. Not the time, when on the eve of an election when all the white people and only white people in South Africa are going to vote on whether the direction of the Country is moving in towards a multi party government is going to be maintained or turned around. This is not the time to remove sanctions and I would urge us not to do that. 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 did not want to rise again. I guess this morning I have no sense of humor. I fail to see the humor of the opening remarks of the previous speaker. The reason the United States repealed the embargo or the boycott or the sanction is because all American companies doing business in South Africa are now signatories to the Sullivan Principles. The Sullivan Principles were instituted in 1977 at the request of Reverend Sullivan so that American companies doing business in South Africa would abide by certain standards; affirmative action, equal pay and so on. According to the last report, October 31, 1991, all American are signatories to the Sullivan Principles. They are graded. Ten years ago some of them weren't 100% in conformity and all of them are in conformity now. I

welcome you, Senator McCormick to come to my desk and read the report which was commissioned from the Arthur D. Little Company of Cambridge, Massachusetts.

I don't believe the negotiations going on and the repealing of apartheid laws is a paternalistic approach. I think it was a very legal approach to resolving the situation. They repealed all apartheid laws. I have a list of them here. Anyone who, from this Chamber, would like to come to my desk I have it all here. Yes, there are pockets of whites who don't want to see a resolution. This happened in the district which is the stronghold of the right wing people. Overall it is estimated, in Monday's newspaper, that about 65% of the entire white population will accommodate President DeKlerk. This gives him more authority to peruse and if he fails he is resigning and continuing it on another level. This is the step he must take. You don't cut it off overnight, they have done it in two and a half years, thereby, avoiding bloodshed. I have mentioned the white-wingers but you also have that faction of the left wing that will not accept whatever negotiation is accomplished. I had to clarify some of the points, particularly the Sullivan Principles. You are welcome to come to my desk and see the report. Thank you.

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do appreciate the hard work of the good Senator from Androscoggin, Senator Berube. She has worked with members of the Committee on this issue and her heart is in the right direction. We wouldn't have achieved the success with divestiture if it wasn't for her hard work. My concern with this Bill is that it reminds me that a little bit of slavery is too much slavery for me as an American. In this upcoming election, Ladies and Gentlemen, there will be no blacks voting in this election and there are no blacks in the government. There are miles to go for South Africa to join the community of nations that respect individual liberty. As an American, I cannot simply let that go. The sanctions and the divestiture laws we have passed, in joining with the community of nations that respect freedom, is the reason South Africa has made some accomplishments and some progress on this road. There are miles to go and as far as the sanctions being lifted by the President, I didn't agree with that and I still do not agree with that. With all due respect to the good Senator from Androscoggin, Senator Berube who I have a great deal of admiration and respect for, in this case I have to disagree. Thank you.

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Making Supplemental Appropriations for Fiscal Year 1991-92" (Emergency)

H.P. 1699 L.D. 2379
(S "A" S-569 to H "B"
H-981)

In Senate, March 2, 1992, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-981) AS AMENDED BY SENATE AMENDMENT "A" (S-569) thereto.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-981) AS AMENDED BY SENATE AMENDMENT "A" (S-569) AND HOUSE AMENDMENT "A" (H-1045) thereto, in NON-CONCURRENCE.

Senator BRANNIGAN of Cumberland moved that the Senate RECEDE and CONCUR.

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

Thank you Mr. President. Ladies and Gentlemen of the Senate. There has been an impasse in this \$26,000,000 part dealing with the 1992 adjustments to the budget. There was a \$900,000 disagreement and that has now been brought together. We will not be making any changes in our health plan now. We will all be working together to make the changes that will make it a much more efficient product. The monies that will close that \$900,000 gap is money that has been agreed upon by all of those who have been discussing this as available surpluses and dividends. We believe these will be delivered into this 1992 Fiscal Year and I want to commend Senator Foster for the work she has done in helping to bring this compromise together. Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wonder if the good Senator from Cumberland, Senator Brannigan might be a little bit more specific as to how this surplus fund came about. What is part of the insurance funds in the health care program? Is there an excess in there of premium money over claims? I am just curious as to the what and how it came about. How come it was so easily discovered?

THE PRESIDENT: The Senator from Aroostook, Senator Collins has posed a question through the Chair. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. It didn't come easily. The money has been there throughout all of the discussions. We received the dividend from Blue Cross/Blue Shield on all the monies we have put in. It is just when it will be delivered. The dividend from last July to this December will be delivered in this fiscal year. The surplus is mainly from the adverse selection surcharges. Some of this has to do with the fact that we haven't an HMO started yet. 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. This has been a long two or three weeks and I am glad it is over. I hope we can go on to the 1993 budget. This is a good amendment and I ask for your support. Thank you.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. Sometimes there is not a lot to be thankful for here in the Legislature but one thing I am thankful for is that I am not a Appropriations Committee member. They have worked extremely hard on this issue and I know it is painful. I know compromises do not come about easily on either side of that. I think that this supplemental budget, even though I am going to

encourage you to support it, is still leaving open some very serious issues that we will have to discuss in the 1993 budget. It is not addressing those issues. I know that is by design by large part but I think there are issues that we are eventually going to have to address. I have two specific issues I am concerned about. One of the reasons this supplemental was divided in the first place was over the issue of merit pay. The Minority members of the Committee decided they did not support the position of giving a merit pay increase in April. There was some question whether or not that this was an issue because we are currently in a contract. The Attorney General ruled one way and the Governor's Legal Council ruled another way and it was a question on whether we could actually do that. On the positive side of that, I think the Appropriations Committee unanimously endorsed a 1993 merit elimination. I think that is positive but I think in order for us to make the 1993 budget work, both from the dollar aspect and the political aspect, that is an issue that certainly will not go away until it is addressed. I am encouraged that Appropriations did unanimously endorse that last weekend.

The other issues that I think we have to discuss is health care benefits for state employees. That is a huge cost of our state budget. That is another issue that is not going away. We are talking about affordable health care and what can the people afford. Maybe we should have a Ford or a Chevy system instead of a Cadillac system. We also, unfortunately in these tough times, have to extend that mentality, that Chevy Ford mentality, to our state employees contract as well. The third issue is the Blue Cross/Blue Shield dividend. It is my understanding that the contract has not been extended and we will look at portions of that contract in the 1993 budget. We are assuming that we will get some kind of a dividend. If we don't get that dividend, I think we are up the proverbial creek. I reluctantly ask you to support this budget today and I am sorry to have to get involved in an issue of budgetary concerns but I felt I had to make these remarks on the record. Thank you.

The Senate RECEDED and CONCURRED.

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on STATE & LOCAL GOVERNMENT on Bill "An Act to Repeal the Laws Governing State Investments in Companies Doing Business in South Africa"

S.P. 868 L.D. 2215

Majority - Ought Not To Pass

Minority - Ought To Pass As Amended by Committee Amendment "A" (S-585)

Tabled - March 5, 1992, by the Chair.

Pending - Motion by Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report (Roll Call Ordered).

(In Senate, March 5, 1992, Reports READ.)

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 couple of

comments before we take the vote. It really has to do with a personal experience I had when I went to a conference. This speaker was woman from South Africa and very dynamic. I am not sure how she got there but it was one of the working class people who had managed to get to this Country and was doing a lot of touring of the United States in order to make us aware of what was going on with this divestiture issue. I told her at that conference, how can I look at taking jobs away from people in Africa that they need to live on and justify it by cutting off the flow of money? She said we are very aware of what line we are on. We are very aware of how that is going to affect us personally. We have no other choice. We have to take this on and accept that burden. That woman could not get back to America to do the same things the Ambassador was able to do in our Committee room. To me you have one side of the issue, the lobbyist who can get here and present their side of the story and you have the have not who have to depend on those of us handling the issue to defend what they are telling us to do. That is why I think this motion should be defeated right now. We should let the course of action take what it will so that we may assist those people who can not be over in this Country arbitrating for themselves about what is going to very personally affect their lives. 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 should know better than to get up again but I can't resist it. I don't know how long ago the conference the Senator from Kennebec, Senator Bustin attended. I have met with a white South African in December and in January I met with a young black student in New Hampshire. In speaking with both of them, the white girl was not a wealthy girl and she said we need the economy to keep our Country in one piece. The young black South African told me, in no uncertain terms, that what the people want in his own Country is a good economy so they can feed their families and buy land to build a house and have the means to do it. Nobody is going to give it to them unless they do it themselves. You cannot do it yourself unless you reap the results of your work and the money that you earn. The American companies are wonderful companies to South Africa because they pay the highest wages and they have the same work regulations that we have in this Country. One more thing then I assure you I will not get up again unless it is to rebutt a non-factual statement. As you know the ruling party is the Nationalist Party in South Africa. There are numerous members of the National Party who are non white and several who are serving in their parliament who are non white. I have the list and I came prepared. Please come to my desk and look at it. It is all here. Thank you.

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

A vote of yes will be in favor of **ACCEPTANCE** OF the Minority **OUGHT TO PASS AS AMENDED** Report.

A vote of no will be opposed.

Is the Senate ready for the question?

Senator **CLARK** of Cumberland who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **BOST** of Penobscot who would have voted **NAY**.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators **BRANNIGAN, BUSTIN, CLEVELAND, CONLEY, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, TITCOMB**

PAIRED: Senators **BOST, CLARK**

ABSENT: Senators None

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their vote and No Senator being absent, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-585) **READ** and **ADOPTED**.

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

ORDERS OF THE DAY

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

Bill "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens"

H.P. 1707 L.D. 2388

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 4, 1992, **READ A SECOND TIME**.)

(In House, March 3, 1992, **PASSED TO BE ENGROSSED**.)

On motion by Senator **MATTHEWS** of Kennebec, Senate Amendment "D" (S-594) **READ**.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment I offer today, deletes from the Bill authorization for allocations from the sale of the Bonds for capital improvements to rural health clinics, the Maine Technical College System, the University of Maine System, and residential group homes. It reduces the Transportation Infrastructure Bond Issue in Part B of the amendment to \$48,000,000. This will bring our package from \$106,000,000 down to \$90.3 million.

I offer this amendment, Ladies and Gentlemen, with the support of the Committee in order to try to deal with some of the legitimate concerns that many of you have had here. Your concerns were that this Bond Package we offered was too much money. In an effort to find some common ground, and an effort to reach out to the voters of this state, this is still a package that will help those that are unemployed, help the infrastructure of this State, and help to jump-start the economy. I offer this amendment and urge your support of it. Thank you.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am pleased with the amendment that has been offered by my good seatmate, the Senator from Kennebec, Senator Matthews. I still have some uneasiness with respect to the size of the Bond Issue. Let me suggest some of my concerns which I hope will go away.

I am concerned with the cost of funding over a period of time this Bond Issue. It seems to me that the cost for interest and payments on the debt, based on the original amount of \$106,000,000, was about \$10,000,000 a year. Obviously, it is less than that as a result of this change. I think that is a plus. Nevertheless, it does add an increment of cost that will reoccur in State Government for a number of years. Most of this proposal is a short term job bank. It is not a long term job bank. That causes me some concern. It seems to me we have to evaluate whether that short term advantage will either cause the rest of the economy in Maine to grow on a long term basis. If it doesn't, then it seems to me, we are in a worse position than if we had not passed the Bond Issue at all.

The other two concerns I have are in regards to the section that deals with loans for distressed businesses. It seems to me, there is a high level of probability that a lot of that Bond Issue portion will go down the drain. We will be dealing with businesses that are in bad financial condition. Presumably, the powers that be will try to select those that they think will continue jobs and can recover. It reminds me a little bit of the bail outs that occurred at the Federal level. I speak, in particular to the Savings Banks. What a thing that has been for all of the Country to bear. I feel just a little uncomfortable that that program, unless it is handled very well, will not have any long term value to it.

Finally, the section dealing with municipal infrastructure, I have mixed feelings about. I am sure that much of that will accomplish good things that need to be done and will help our various communities. I am not sure just how well that can be administered. When I looked at the criteria, it seemed to me, that it was based on a number of things including the amount of jobs that the loan would produce and it didn't really tie down very much in terms of specific things at the community level it would fund. I have not had any close relationship to the Committee process in this and maybe somebody can respond to these concerns and convince me that this is alright. I was interested in a piece I read in the paper today or yesterday that discussed this issue. It compared a tortoise and a hare. The suggestion was that the tortoise goes slowly but it gets there and the rabbit is quick and gone. I would hate to think that this Bond Issue at almost \$100,000,000 was something that was going to be quick fluff and then gone. Our jobs would be very minimal use, nothing that makes the economy keep going but just a one shot thing. That disturbs me particularly when you wake up and pay for the results of that which might be \$10,000,000 a year extra in the operating costs of State Government. That is my concern. I am as anxious as anyone to spur the economy in Maine. I recognize these jump start programs are sometimes not the best way to do it. There are sometimes better ways that produce long term results as opposed to short term results. Thank you Mr. President.

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

Senator **CONLEY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been here for two days worth of debate on the Bond Package and the good Senator from Kennebec, Senator Matthews very eloquently yesterday outlined the economic condition of this State and the careful work the Committee went through along with Senator Dutremble of York, to reach a Package, a bi-partisan majority, one they felt would get this State headed in the right direction. I did not participate in those negotiations. I, like other members of this Chamber, want to do something to get our people back to work. Yesterday's figures were released on the unemployment in this State, while we were debating this package. I believe Maine's unemployment rate is now at 8.5% Almost one out of every ten people in this State are out of work. We have got to do something. This Committee worked hard to come up with something.

Yesterday, my good friend from Cumberland, Senator Summers, whose remarks I listened to carefully, got up and started ticking off on the good Senator from York, Senator Dutremble's remarks about the State needing a jump start. He suggested, maybe we shouldn't be looking at the battery, maybe the alternator is gone, maybe the muffler or the engine. I was a little concerned that he might even dare to talk about cars around here given the debate last session about cars. He said, bottom line, instead of going out there and doing something with these Bonds we ought to look at State bureaucracy. Maybe that is where we ought to start fixing things around here. He thought we should be looking there and I say as I have said before, we have people walking around in this hallway I thought we laid off two years ago. They are still here and they work for the Governor's administration. There was some guy who was taking a plane and flying all around the country that they tried to get rid of, I know we have immunity here but I'm not going to mention his name, Parks or something like that. We passed a Bill in our budget to get rid of him the last time and he was still lurking around. We had to pass a law to get rid of him. We had to come up with a fourteen page amendment. I still don't know if he is gone. He may be working for all I know. Our attempts to get rid of the bureaucracy around here are met with blockades every step of the way. If somebody wants to do something about the bureaucracy it has to start on the second floor. Everyone knows that.

The good Senator from Aroostook, Senator Collins wants to talk about this amendment. He questions it. I don't know about this one shot thing, we have to be careful here. What is your idea? What is the Republican idea here to get a Bond Package out that will get the State back to work? Questions, Questions, Questions. People go back to the drawing board and try to come up with an answer. Gee, I don't know, I don't think I like that. Well, we are starting to get very paternalistic, I believe, since it is the people of the State who will decide whether or not the Bond Package is good for them. We thought we had something the last time that they would have liked. They rejected five out of six. There goes our ideas. Our ideas were not good enough for them. Let's put this out there, as the good Senator from Kennebec, Senator Matthews has said, to try to get someone to support it. Why doesn't somebody from the Minority Party tell me what their number is so we

know where they are at. What are you going to settle at to get the people of this State back to work? Let's hear an idea. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the questions that have been asked and I have been trying to answer questions for the last few weeks. Ultimately, as the good Senator from Cumberland, Senator Conley said, I am just hoping the voters will have an opportunity to weigh in on this issue. That is all I am asking for here, to send this package out to the voters. We have reduced the size of the Bond Package from \$106,000,000 to \$90.3 million. We have put together a responsible package. In response to the good Senator from Aroostook, Senator Collins' questions, we are looking now at reducing the debt concerns over the term of the Bonds. The costs have come down. I reiterate that Maine's bonded indebtedness and the concerns about our financial house, Maine has the highest rating of most states in this country. This is not going to impact our rating in any stretch of the imagination. Those folks that are in the business of economic policy and theory tell us that this is the prudent thing to do. The interest rates couldn't be lower.

The good Senator from Aroostook, Senator Collins raises a very good question about short term verses long term. A question which members of the Committee on Housing and Economic Development raised. That is why the Bond Package I present to you today as amended is only half the pie. Our Committee will be meeting this afternoon and probably tomorrow to forge out, I hope, a unanimous package to deal with the long term issues that our economy has. An over simplistic answer to short term verses long term is when you are going to get somewhere you have to take the first three or four steps to get there. This Bond Package helps us to get to where we need to go in dealing with long term concerns. Many concerns have been addressed by the Jobs Commission of the Governor.

We now have, as probably didn't get mentioned yesterday, six hundred more people from the Kittery Naval Shipyard laid off. Another hard pressed blow to our economy. If we don't do this today, the cost that we will be facing, in terms of unemployment and the spinoff negative kinds of complications to an economy that further heads into a recession, will be much greater. We all know what is around the corner for the defense industry. We have a lot of defense jobs in this State. This helps us to get ready and start to revitalize our Maine economy and help with an infusion to get things going. It will help the private sector to take us where we need to go. That is an American principle and precept that all of us believe in.

The Committee dealt with loans for distressed businesses. We had an original proposal for \$20,000,000. With the give and take of the Committee process it came down to \$7,000,000. This is a problem in a bi partisan fashion that has been looked at and is still being worked on. We appreciate those efforts by our Senate delegation, Senators Mitchell and Cohen and by our Congressional delegation. We had experts come in and tell us that in the midst and in the balance hang hundreds and hundreds of Maine workers that work for these good businesses. Through no fault of their own have now had the note called in

and the business is going to go under. They have made their payments and have been financially responsible business citizens of this State. I don't need to retrace the hearings that went on on this issue in Portland. We know about them. These are businesses that we want to see stay in Maine and sales tax revenues, income tax monies that we want to see stay in our economy. We said yes, this Bond Package shall not go out of this Committee forgetting about those businesses that are in Maine and are good employers. We are going to offer them a lifeline. The criteria that FAME will use will be very, very conservative and tight. They will look at their portfolio and the issues of that business and make sure that they keep the doors open and make their side of the obligation. I have no doubt that FAME will do that because that has been their track record. It has been nice to hear from Republicans and Democrats on that issue that people appreciate what FAME has been able to do. From my experience, I firmly believe that what we are doing with FAME and those \$7,000,000 will not only be looked upon favorably but will help us get through these tough times for these businesses. I think they are going to look at what we have done here very much as a positive decision made by the Legislature and the voters of Maine. We want business to stay here.

This is a one shot in the sense of job infusion and job creation. We need it to happen soon. We can't be debating this issue too long. We need to get it out to the voters to decide this issue. It will come very shortly, I hope, a long term jobs bonding package that will begin to deal with these other issues. We have to get there first. I have the report from the Maine Chamber of Commerce and Industry and I want to read it into the record. The issue, we believe that even during periods of high unemployment, prudent borrowing for public improvements makes good sense. Economists tell us that those States which have invested in infrastructure do better economically than those that have let their infrastructure deteriorate or become obsolete. During periods of high unemployment, infrastructure investment is one of the few ways that government can help restart the economy. Passage of a responsible package of public improvements such as those presented in L.D. 2388 is one of the Maine Chambers highest of five Legislative priorities in this Session. We believe it is good public policy. The business community, the labor community, and all factors and sectors on this issue have come together and said we need to do something. That is ultimately what we are doing here. The Legislature is trying to help the business community and those in need. I think that is a basic kind of thing that the Legislature should do and we do it most of the time here, I am proud to say. I really believe that we have even further forged a more responsible package in the sense of trying to deal with the concerns of those that have not been able to support us on the first go around. I strongly ask for your support for this package to let the voters say Yea or Nay. That is all I am asking. 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 appreciate the comments made by the good Senator from Kennebec, Senator Matthews and I enjoy, as all of you do, to listen to the comments from Senator Conley of

Cumberland. I appreciate his flair and approach to Senate debate. I think the concept of borrowing large amounts of money in an effort to boost the economy during tough times is something that should be looked at. The question is how much do you borrow and what is the money going to go for? There is no question in my mind that the people of the State would support fixing bridges and roads or repairing sewer systems. I am leary, to say the least, and would not support \$100,000,000 + Bond Package. I haven't decided on the \$91,000,000 that has been proposed by the Senator from Kennebec, Senator Matthews. I have some concerns about, for example, the \$30,000,000 proposal which is going to go back to towns. I am not sure that is acceptable or reasonable. I see this as similar to borrowing money to pay your mortgage. You borrow money to rebuild something that needs to be rebuilt or repair something and that is a long term investment. You might want to put a new furnace in because it is going to be around twenty years from now. It seems to me that we have to keep in mind and we must not forget that the voters of this State, just six months ago, spoke about their idea of what they thought about borrowing money.

I have no doubt in my mind that the people in this State, many I have talked to, are very concerned about the referendum on widening the turnpike not because they didn't want the turnpike widened but because they did not want money spent. We need to look at that. I think another thing we have to get to the public is if we are going to do this and we are sincere, than those that want \$200,000,000 and those who want \$30,000,000 should reach an agreement and try to come out with a unanimous report. Frankly, if the Legislature goes to the public divided on this issue than it is doomed for failure. One of the things that we need to be sure to explain to people is this is not a new deal proposal as Franklin Roosevelt did in the 1930's. This is not a proposal which is going to take chronically unemployed people and put them to work. I would argue and would do it loudly and forcefully that many of these jobs will not even go to Maine workers. I know there is a proposal in here that says it will be 90% but that doesn't mean it will go to Maine workers. I suggest that many won't because Maine can't compete with New Hampshire. We can look at the Shoe Company that just closed and went to New Hampshire because we can't compete even with our neighbors with the Laws that are on our Books. I would suggest if we are really serious about long term jobs in this State that we ought to be looking at some of our other Laws such as Workers' Compensation, which I have been fighting for for ten years. This is not a new deal proposal that is going to take unemployed people and put them to work. Let's be honest about that. That is not what is going to happen. It will spread the money around and create jobs throughout all segments of the construction industry and various aspects of that.

We all love Maine but there are many things that are not good with the State of Maine. If you compare us to other States, we are among the highest taxed people, the lowest paid, and we have one of the worst places to do business. One of the best things that Maine has is we have no debt. This Bond Package will double our State debt. Let's not forget that. This proposal, with what is already authorized, will double Maine State debt to create a few jobs this

summer and then they are gone. After that we have a negative impact on the economy because we have to pay this debt off. Whatever figure we reach, and it is my opinion this \$90,000,000 will not pass, we need to reach a lower amount. To answer the good Senator from Cumberland, Senator Conley's point as to how much I would support, I think we are looking at fixing roads and doing sewer projects and as far as I am concerned that is all we can afford. That is all the voters will buy. I don't feel, in good conscience, I can send something out to them that isn't going to pass. Regardless of whether or not it will pass, the people are speaking out and saying they don't want it. For example, in the 1980's when times were good and money was pouring in and we were spending like crazy. People were very upset because we were spending \$8,000,000 to \$10,000,000 to Bond for asbestos removal. The people were saying we have a \$3,000,000,000 budget why can't you find \$2,000,000 to take asbestos out of buildings. I had no way to argue that they weren't right because they were right. We should have done that and we did not. We have to be careful as to how much debt we leave for our children.

This proposal at this level is unacceptable to me and I hope it is unacceptable to the majority of the Legislature here. I don't think it will pass and I want to pass something the voters will accept. The people of Maine believe that roads and bridges should be repaired so in ten or twenty years from now those would have been sound investment practices. Sewer projects should be repaired but we should not passing \$100,000,000, \$90,000,000, or an \$80,000,000 Bond Package because it is too much money and too much debt. Thank you.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do believe we have before us a proposed amendment to the Bond Issue. I will try to keep my remarks specifically to the amendment. When it comes time to vote for the L.D. itself, whether it is amended or not, I will also add some comments to that. I urge you to oppose this amendment. I understand the attempt on the part of the good Senator from Kennebec, Senator Matthews that he is trying to create a package that is going to sell a two-thirds vote in both parties of this Legislature to put out to the people. I rise because I worked with a number of individuals, particularly representatives in the University System and the Technical College System, to identify viable projects that could become part of this Bond Package. I really have objections to seeing these being offered up at this point and time. I have no problem with the \$106,000,000 and I think the Committee on Housing and Economic Development has done a very responsible job. I think they have carefully crafted a package that identifies essential capital improvement projects that are going to be, not only short term job creators, they are also going to be significant savings for the State of Maine in the long term. These are projects that have been crying for the work to be done for a number of years. The longer we put it off the more it will cost.

In terms of bonding, the interest rates are the best that they have been in a long time. In the review of school construction projects that started this year, it is also interesting to note the bids for those construction projects came in at 10-15%

below original estimates. It is the best time in the market out there. I would urge you to oppose this amendment and I would urge you to fully support the Bond Issue and I will speak to that on our consideration of the full Bill. I think the parts that are in this Bond Issue are not a wish list and not frills, they are things that need to be done and need to be done now. I urge you to not leave post secondary institutions, the health clinic, or the residential group homes out of this package. 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 response to the remarks from the good Senator from Cumberland, Senator Conley. I can take a lot. I tended bar for a lot of years and I can tell you that about 11:00 p.m. after people have spent awhile there it was sometimes difficult to take it. I will tell you one thing I don't like to take and that is the insinuation from the Senator from Cumberland, Senator Conley, that I don't support reducing the size of State bureaucracy.

I recall, during Special Session in December, an amendment from my good friend the Senator from York, Senator Dutremble. That amendment would have eliminated the Waste Management Agency in this State. It would have cut real bureaucracy in this State. It would have been a meaningful step and it was my position to support that amendment. As I remember that amendment died 14-14 and Senator Conley's vote could have changed that. Until Senator Conley or anyone else in this Chamber is serious about reducing the size of the bureaucracy in this State by voting for meaningful cuts like the amendment from Senator Dutremble, I don't think that we ought to be jumping for a quick fix. These Bonds will be the Bonds that do not pay us back. They pay our children back for our irresponsibility. The Senator from Franklin, Senator Webster mentioned just a few moments ago that if we wish to concentrate on the infrastructure in our State, than I think you can find a consensus among this Body but not in this package. Thank you Mr. President.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It has been, indeed, an expansive debate on the pending question. I would express my concerns, as the concerns have been expressed, about the advisability in today's economy of presenting an amendment, which I intend to support, that erodes the potential for utilization of the very institutions in our State that will provide training programs and opportunities for those who are currently unemployed, will be unemployed, will be graduating without jobs, and some that will need additional educational opportunities. I can't, in good conscience, remain seated, as others have not remained seated, and say that I am happy about the necessity of what is contained in Senate Amendment "D" (S-594) because I am not.

I think the question is, do we have the courage to put together a Bond Package that will garner the adequate number of votes to allow the citizens, we serve to vote their own destiny? Are we going to cower behind our concerns, stalling the issue and bringing it down to a figure that nobody knows what it is and that everyone can agree with. We have the

audacity to think that if we all don't agree than the people of this State won't vote for it. Who endowed us with that awesome wisdom, we don't always agree on lots of things, members of the Senate nor do the people of this State. I, for one, am willing to risk sending out a Bond Package of over \$100,000,000 in this economy because I believe that the citizens of this State are intelligent and will be responsive to a Bond Package that offers them opportunity.

This Bond Package is supportive of the very infrastructure and has a segment that addresses the concerns and the prevalent need of our municipalities. These municipalities must qualify, along community block grant lines, for the monies that would be available if the citizens of this State support it. I will support this additional amendment to try to reach resolution so we can finally get two-thirds of the members of this Body to support a Bond Issue that is something other than roads and bridges. They are necessary to the infrastructure to our State but they are not the only necessary segment of our economy. It is the people who are unemployed, it is the people we serve who are losing their jobs, they are losing their fringe benefits and working collaboratively with their employers in order to retain their jobs and erode their financial security but at least retain their jobs. We have evidence of that in the private sector as well as ample evidence in the public sector. If we can pass, unanimously, a supplemental budget, which reflects in large measure overtime and unanticipated costs without a whisper of debate but only the concerns of the issue that we know that are still vibrantly alive as we face the 1993 budget, I would think we would have the courage to pass a Bond Issue despite our concerns recognizing that our Bond rating is as good as it is going to be. We should recognize that in the first year, the revenues generated by this Bond Issue will, in fact, be sufficient to pay the interest payments in the first year. It is projected by, and I heard this in a leadership meeting with the Governor, the payment of the principle is one and a half years away and it is projected the economy will be improved to the extent that by then the spinoff of the jobs created will provide sufficient revenue to the State to pay off the Bond. The only thing that would impact negatively on our enviable Bond rating as the State of Maine, is more funny money financing that this Legislature and the members of this Chamber, including me, passed last Spring, last December, and every other time we have had to make adjustments to our budget.

If you have concerns you are invited to frame them and to offer them for the consideration of this Chamber. Certainly, the Committee on Housing and Economic Development are to be commended for the enormous amounts of time and dedication they have expended with the cooperation of huge numbers of State Agencies and Representatives of the private sector to craft the Bond Package that is before us. I will swallow again, as I swallowed hard without even a whisper of objection or concerns, when we passed the supplemental spending package. I will support this amendment. I don't like it because I think that it erodes from the very segments of the Bond Package that I find most attractive but I will swallow and I invite you to join me. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator **GOULD**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today in support of this amendment. I want to explain what the Transportation referendum will do. The Transportation referendum will provide \$25,000,000 for highways and bridges. \$5,000,000 match money with Federal money of \$20,000,000. \$50,000,000 to be divided into seven divisions of the State of Maine. \$5,000,000 for State aid collector roads. \$10,000,000 for local road assistance. We now provide \$20,000,000 automatically to local road assistance which will continue. This will provide \$10,000,000 more. It will also provide \$4.4 million for rail and airports. It will provide \$3,000,000 for ferry vessels for Penobscot Bay which will be built in May. It might be the life or death of that company. \$2.6 million for pier work on Penobscot and Casco Bay. \$3,000,000 for the International Ferry Terminal in Portland. I urge you to support this amendment. That is \$48,000,000. Thank you.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the effort of this amendment in bringing consensus and bringing the Bond Package to a level we all can support. I have to admit I have grave misgivings about leaving out of this Bond Issue, the Technical College System, the University of Maine System, and the Clinics which is my understanding of what it does. I am in a quandary. If our efforts don't convince the good Senator from Aroostook, Senator Collins to support this Bond Issue, than maybe this particular amendment isn't the one. I have to admit that I may have to vote against it for two reasons.

The first reason is because I believe the Technical College System, particularly, direly needs these improvement funds. For the last two years, they have been given \$15,000 per college. They have asked for, this time, \$16.9 million and that is what they need to improve the System. They were, through negotiations in the Committee, given less and now it is down to \$4,000,000. Now this amendment brings it down to nothing. The second reason is that I believe this is politically unwise to take a Bond Issue that some of us think is important and cut out two very important political constituencies, the alumni of the Technical Colleges and the University of Maine alumni and tell those people this Bond Issue has nothing for them is unwise. I reluctantly, although I love the idea of trying to bring us together, will have to oppose this amendment. 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 guess I looked at a longer range plan than a quick fix. I am going to share with you the reason I am not going to vote to put this Bond Issue out. I think that, we in the Legislature, should take a great deal of credit for what we do for the State of Maine. We send, through the Department of Education back to the locals, 41% of our budget. On top of that we send higher education 11.7% of our budget. We send revenue sharing back to the towns which isn't even included in our money because that is taken and sent back before we get into our revenue picture. Do we get credit that half of the State's budget goes back to the local municipalities? No. If you go back home, you will hear, everything in the municipality is paid

for by local taxation - property taxation. We have not done our homework to tell our constituency that they are wrong. Half of the State's budget comes back to you. It comes back to you in general purpose aid and revenue sharing.

We talk about cutting bureaucracy. If you look at half of our budget, there is very little bureaucracy. We don't even control the money. Let's go on to another part of our budget. The Judicial Department takes 2% of our money. We haven't even filled the Judicial Department judges. We have a five man Supreme Court. We have this because the State has not taken extra money and put it into the Judiciary in order to fund it properly. We looked at Mental Health and Mental Retardation, if anyone in their infinite wisdom is going to cut the very segment of society that we are charged with looking after because local municipalities don't look after mental health patients, that is our charge. I don't want to cut into that. Corrections are screaming about overcrowding. Corrections is 4% of our budget. The Legislature is 1% of our budget. The Department of Human Services is 22% of our budget. More money is constantly being pumped into the Department of Human Services and yet the cry out there is we have abused children and we are not meeting the needs. We then look at the debt service and the debt service of this State at this time is 2.3%. My concern, Ladies and Gentlemen of the Senate, is if we pass this Bond Issue now the debt service will increase and be increased for ten solid years. The debt service, in turn, will rob every single department that I have mentioned here.

Everyone says cut the bureaucracy. I would assume that when they cut the bureaucracy, they are looking at that part of the budget which is 2.7% of the budget. You could wipe that all out. That is your Department of Agriculture, Marine Resources, and the Executive Branch. That is only 2.7% of your entire budget. As a member of the Appropriations I have got to come up with less dollars next year. I sat here today looking at this great seal. Do you realize the Department of Agriculture gets about \$5,000,000 a year. Our farmer friend should be replaced with someone else because he doesn't exist anymore. We don't give them enough money. We have potatoes, blueberries, and cranberries, all of these resources and more money in the Department of Agriculture would plump up our agricultural production in this State. That would create more jobs and more money, long range. We have the Sailor, the Department of Marine Resources has a budget of \$6,000,000. We have mussels, clams, and oysters and if we had more money to pump into that Department we could do more. Inland Fish & Game, we have robbed them of \$1.7 million. Ladies and Gentlemen of the Senate, you increase your Bonding indebtedness and you rob everyone in the rest of the budget. You rob them for the next ten years. That is my concern. That is something we should think very strongly about. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I intend to vote against this amendment primarily because of the Vocational Schools. When I went to school we had the academic course, commercial course and general course. We always knew who was going to do what as we got nearer to graduation. There were always those

individuals that were so very clever with their hands and had the common sense to know just what to do with them. I envied them very much because I am all thumbs when I go to do something. I have been up to our Vocational School in Calais and I have seen those individuals given an opportunity to follow their trades and do what they know best. They were happy at the school and when they get out of school, they will make more money than a lot of those who went on to college. This particular amendment, and I am sticking strictly to the amendment, does in fact take away funds to support that school system. Therefore, I will vote against this amendment. Thank you.

THE PRESIDENT: The Chair wishes to thank the Senator from Washington, Senator Vose for his comments on the amendment. The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before I ask for a white flag, I think it is important to remember this amendment does not impact our Bonded indebtedness in the financial house of the State. We have a 7% cap that keeps us well established with the kinds of financial concerns we have. This doesn't get anywhere near that 7% and it gets us about 4.8%. Over the years, I am sure many of you have seen the Chart, we have come down in terms of our State budget with respect to our Bonded indebtedness. This package and amendment stays in that vain.

I do appreciate, very strongly, the comments that have been made here. For the record, the reason I offered this amendment was to try to address the concerns of those who couldn't support this package. I know we are only in the third round of a thirteen rounder. We have some more rounds ahead of us. I would like to see two-thirds and I would love to see unanimous support in this Chamber. The good Senator from Hancock, Senator Foster had some good concerns about the bonding and all those issues and what it does to the State budget but nowhere in her remarks, does she talk about the unemployed. She doesn't talk about the business hanging in the balance nor does she talk about the recession that has hit this State hard. That is what I am talking about with the amendment I crafted here today.

I want to also mention, for the record, that the issue of the Rural Health Centers and the Group Homes will be addressed under my amendment. It gives them an opportunity to work with their local municipalities. They will have an opportunity to vie for these dollars if they can get their project on line. Some of them will, I have no doubt about that. I have talked to the Department of DECD about the criteria and they will have this opportunity. We crafted the amendment in the language so they would have that opportunity. There are two issues that I think are taken care of.

The other good concerns that have been raised by many in this Chamber about Vocational Colleges and Universities are very good questions. I did not want to have to pare this down to deal with that issue. When we deal with the long term concerns of the State economics, the Vocational Colleges will be at the top of this Senator's list as they have been from the outset and so will the Universities because I believe that we must help retrain our workers. We must help offer the kinds of talents that are going to be in the job market today and tomorrow. I don't want anyone in this Chamber, for the record, to imply that this Senator does not believe in those causes because I do.

My guiding light throughout this whole process has been the unemployed. A Legislature that does something for people and reaches out to lend a helping hand has been my guiding principle throughout this process. I urge you to rethink and revisit this amendment because I think it is a responsible amendment. I think it has an opportunity to get us on the road to trying to restart this economy. It has the support of those in business and labor sectors of the economy. I know it has the support of the unemployed. I can't craft a package that will lift all of the unemployed out of their situation. The good Senator from Franklin, Senator Webster mentioned the unemployed, if he has an idea on how to get them all employed then offer it. The Committee grappled with that issue. We are trying to do something to get the economy going in the private sector of the State so we can have jobs for those workers. This is not a magic formula, it is a concrete realistic attempt to help get our economy going. Thank you Mr. President.

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

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was one of the ones who voted against the original passage of this Bond Issue. I felt that it was too high. I want to say that I believe that Senator Matthews from Kennebec has been absolutely nothing but a gentleman and a person who has tried hard for a consensus on this issue. The conversation I had with him on the phone yesterday was one of the finest ones I have ever had with anybody over a piece of legislation. I commend him for it. I have listened very carefully to this debate and I have reached a conclusion for myself that I can support his amendment.

I would like to take credit for the fact that one part of this Bond Issue was my own idea. That idea was included in the Transportation portion of the Bond Issue. I am pretty proud of that and I wanted that to pass all along and I still do. I am also very pleased that one of the members of the Transportation Committee, who happens to be in my Senate District, told me that because it didn't get a two-thirds in the Senate they went back and looked at the Transportation Bond Issue and eliminated parts of that Bond Issue that would not have put people to work quickly. I thought that the whole Bond Issue was designed to jump start, very quickly, the economy. On second look, they were able to identify a small portion of the Transportation Bond Issue that would not have created jobs quickly, therefore, would not qualify under a quick jump start of the economy. Sometimes, when you take a second look, you find things like that.

It is also my impression with regards to the University that the University has some bonding authority at the present time which they have not exercised which would not be any less than what was called for in the Bond Issue of yesterday. I understand that particular portion of their present authorized bonding authority will require some contributions by individuals. I am of the opinion that that can happen, therefore, it is not necessary in this particular Bond Issue. I think that other members of the Economic and Community Development Committee also came to that conclusion. Those are some of the reasons I voted that way the other day. I have no illusions and I don't want to second guess

how people are going to vote on Bond Issues that go out to the public. They may come to the conclusion that they are too high. They will have at least a chance to break them into two parts and make that decision now that it is pared down. It seems to me, sometimes when you hit a figure of \$100,000,000 in Bond Issues it is just too much. That is why people sell things at \$99.99. It would be a number that would have been offensive to the people of this State. I just want to say one more time, Senator Matthews of Kennebec, you have done a splendid job and you have been a gentlemen in trying to bring this ahead. I appreciate that and I react to that in a positive fashion. Thank you.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, would like to commend my good seatmate, Senator Matthews for the work he has put into this. I think he came to this amendment with the feeling that if he could reduce it others would follow and be able to vote for it. I have got to say that in looking at this amendment, all I see is the same long range debt that we are going to get ourselves into with fewer jobs. If we are going to tell the general public this a great jobs bill and a great jump start to the economy, I think we would be misleading people.

There are many more unemployed in this State. Yesterday we talked about 55,000 people who are unemployed in the State of Maine. When we talked about the Bill yesterday, we talked about up to 5,000 people maybe getting employment. As we look at this amendment today, we are going to see a reduction in the number of people who may be employed and are Maine citizens. I think we better look carefully at that. Look at the industries that people came from who are the unemployed, Agriculture, Poultry, Shoe, Marine Resources needs a jump start, and our Ship Building Industry. What are we going to do about the Ship Building Industry for the future? How are we going to jump start them? Are we putting more money into that industry to get involved in the peace dividends? The Service Industry has lost many jobs. I don't see how putting less than 5,000 people in the employment rank is going to jump start any of those industries. We have to start looking at how we can rebuild Maine and how we can rebuild jobs in all of the industries. 5,000 jobs is not going to do it. The money could really help in helping those industries expand. We are getting ourselves into along term debt situation for very few jobs and I think we are not being fair to the general public in calling this a jump start jobs Bill because it is not. 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 want to clear up something that the good Senator from Kennebec, Senator Matthews said about jobs. I am concerned about jobs and I think that is what I tried to say as I made my presentation. I look at this as six months jobs that will give you a summer unemployment rate that is very low and in November will skyrocket to the expense of the jobs because of the cuts that will be made in future budgets. I want to make that clear. I also want to say to my good friend, Senator

Pearson from Penobscot that I am in the retail clothing business and I have never been able to convince a customer of mine that 99¢ wasn't \$1.00. Thank you very much.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I spoke yesterday, on the original Bill. I referenced my remarks to the uncertainty I had in deciding which side of the issue I was going to be on. The main reason was the amount of the original Bill. It was, I felt, too large. I supported it not entirely on a jobs issue. I do also support this amendment. It is a more manageable amount. A lot has been spoken about it being a jobs Bill. I guess, in a sense, it is a jobs Bill. Where is it you are looking to find the employment? Are you saying it is only six months because of construction time? You might look at FAME and distressed businesses. How many jobs might that save? It could save jobs from distressed businesses. I also object to the premise to why send it out because the public is going to reject it anyway? I think it is quite possible that could happen but it is not our business to say we will not give the public the opportunity to vote it up or down. We can't sit here and say let's forget it because they aren't going to vote for it. In reverse order we could have some we don't want to send out because they are going to vote for it. I really think we ought to take a real serious look at this amendment and vote it in. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MATTHEWS** of Kennebec to **ADOPT** Senate Amendment "D" (S-594).

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

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **MATTHEWS** of Kennebec, to **ADOPT** Senate Amendment "D" (S-594), **FAILED**.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "B" (S-586) **READ** and **ADOPTED**.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be very brief because I know everyone would like to get about their business of the day other than this. I would like to address a couple of issues about this Bond Issue.

First of all, I think that Senator Gill from Cumberland, spoke to us this morning in prayer saying that if an issue ceases to have but only one side it ceased to be an issue with the Legislature. I appreciate the fact that there are many sides to issues. The amendment that was just passed proves that point. I would also like to say in response to a couple of comments that the good Senator from Cumberland, Senator Conley made earlier about

bureaucracy that indeed bureaucracy takes on a different perspective for different people. I understand his frustration at his attempts at trying to control the bureaucracy in the State Government. I am sure he understands, in return, the Minority Party's frustration when we try to do things like cut the Attorney General's Office and the Secretary of State Office. That is partisan and this is not a partisan issue today. I would like to echo the other Senators that have spoken before me saying what a good job the Senator from Kennebec, Senator Matthews has done in facilitating this Bond Package through the Housing and Economic Development Committee. He has, indeed, been a gentleman at every juncture of this. I appreciate that and I hope we will continue to have a good working relationship with him.

I applaud people who want to help create jobs in the State of Maine. If we had a vote that part of the money just landed in State Government, I doubt there would be a single person here that would vote against sending that out for job creation. That is something we could all get behind. We have to be responsible about who is going to pay for this Bond Package. The taxpayers of the State of Maine will end up paying for this Bond Package. We are going to end up increasing our debt to the general fund by more than \$40,000,000 with principle and interest. We are going to have to pay more than \$40,000,000. If it stayed at the \$106,000,000 it would be \$55,000,000 in interest. Where is that money going to come from. We don't have enough money now to meet our State's obligation. Where is an additional \$55,000,000 going to come from? Does the good Senator from Hancock, Senator Foster have a pool of money of \$55,000,000? I don't think so. Does the good Senator from Cumberland, Senator Conley have it? I don't think they have that extra pool of money because I have asked. We have struggled through a week of looking for \$750,000 and we had a difficult time finding money. This is just adding more of a burden onto the general fund.

A couple of people have said what is small enough for you? I'll tell you. I started at 0 and I would be willing to go to \$50,000,00. I have gone halfway. How far are you willing to go Senator Conley? Where have you started from and where are you now? I would be willing to go halfway and that has happened since yesterday that I would be willing to go to \$50,000,000. I think I have come a long way in 24 hours. What about jobs? In the next year, Bath Iron Works is going to lay off 1500 people. What are we going to do? Are we going to float another Bond Issue to help those people that are unemployed? This is not going to stop. You say the economy is going to turn around, is it? It is a crap shoot right now. If we knew that let's get out here and help turn this economy around. We don't know that. I don't think anyone here can say the economy is going to turn around. We have had a couple of good months but I would suggest to you that two months a trend does not make. This State needs to look at structural changes in order for this economy to turn around. This Bond Package does nothing for structural changes. It is short term money that I will have to pay back and my children will have to pay back. I don't think they will be able to afford to do that. Yesterday, the phone was ringing in our office, as it often does, they never ring one at a time they ring all at once. I had to pick up one of those telephones and it was a man from Vinalhaven and

he wanted to give a message to the good Senator from Knox, Senator Brawn. His message was Vinalhaven would perhaps stand to get a ferry in this Bond Package and they could really use that ferry but not one of the people in Vinalhaven supports \$106,000,000 Bond Package. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am sure that if \$100,000,000 won't do it than \$50,000,000 will do even less. This is like dejavu all over again. When we get to a situation in this Legislature where we have a great majority of the people supporting something, we try to shift and accommodate to try to put people on board. Maybe it is time to cut it and let it go. Maybe it is time to vote and let the cards fall where they may. Let's either support or not support the Bond Issue. I think it is time to do that. With everything that I have heard here in the last two or three minutes from the good Senator from Sagadahoc, Senator Cahill, let's do nothing. That is what Herbert Hoover did. Let the thing continue and let's not try to do anything. Let's just let it go until somebody comes in at some point and says this is what we will have to do to try to change things or try to revive.

The good Senator from Cumberland, Senator Gill talks about the Marine Industry and the clothing industry. I am sure that she is not suggesting we increase the figure from \$100,000,000 to \$200,000,000. The only way you get to the 35,000 jobs that have been lost is by starting the first 5,000. I don't think there is any person in this building who thinks for one minute you can get to the 35,000 jobs that have been lost all in one shot. It is impossible. You start with the first 5000. You do something to start. I think the people sent us up here to start acting and not reacting. Thank you.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I held back on a number of my remarks when we were considering an earlier amendment to this Bill. I would like to share some of them with you right now. I can't help but react to what I feel is almost an inability to act on the part of some of the members of this Legislature. To the Senator from Sagadahoc, Senator Cahill who asked a question who is going to pay for this in the long run, that is a valid question. There is another question we have to ask because we are seeing the dire results of the recession. That question is who pays for unemployment? Who pays for poverty? Who pays for crumbling infrastructure? We do in the long run and it will cost us that much more.

There has been an increase in general assistance, food stamps, unemployment compensation, and medicaid. Look at what we are doing to people in terms of the shifts to the property tax and people having problems paying the property taxes and seeing liens placed against their homes. What amazes me is that before we ended the Session less than a year ago, we had the President of the United States saying we are not in a recession. We had the Governor of this State saying no we are not in a recession. In fact, the projection was that we would have an increase recovery and we would have slightly less increase in projected revenues. I worked with the Housing and Economic Development Committee through

May and June to focus on issues and make sure we were seeding programs that could intercept the recession when it hit Maine big time. We were looking for the Tourism Season to really give us that boost. While the tourism season was a good one, we saw the decline in the construction and other industries. By the end of the first quarter of the fiscal year, the State Planning Office and the Governor knew we were in trouble and we would have to adjust our budget situations again.

Ladies and Gentlemen, this Bond Issue is a first step in what should be a comprehensive package. If you want to talk about what we should do, please come and see me because I have a ten point plan that we should be doing. My guess is that we might do two or three of them this year but we should be sowing the seeds on some of those other things so we can guarantee we will have a sustainable recovery. It is time that we stop rolling with the punches of this recession. It is time we begin to design a game plan to work our way out of it and do it together not for us but for the people of Maine and our future generation. It is just a first step. It is not the cure all. We need to follow this up with a recommended proposal for a sustainable economic recovery Bond Package for November. A package that ensures the long range stability and planning that some of you think should be in this Bond Package. We have an opportunity now and we should seize the day. This is just the first step and I urge you, as difficult as it may be to vote for this, try holding your nose and vote for it please. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from York, Senator Dutremble and I just exchange a couple of words out back. He said isn't it good to get back to good old debate. This has been excellent debate and I think we all should be very proud at the level of debate we have had here today and yesterday. I would like to respond to something he said. He said that my response to the problem was to do nothing. That is not true. Yesterday, I said three things we needed to structurally change in this State in order to get the economy rolling. I am not linking these three things, but in my opinion, I think we need Workers' Compensation reform, Environmental reform, and we need a change in the tax structure. Two of those three things are before this Legislature but do we dare? Thank you.

Senator **KANY** of Kennebec moved that the Senate **RECONSIDER** its action whereby it **FAILED** to **ADOPT** Senate Amendment "D" (S-594).

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **KANY** of Kennebec to **RECONSIDER** its action whereby the Senate **FAILED** to **ADOPT** Senate Amendment "D" (S-594).

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **KANY** of Kennebec, that the Senate **RECONSIDER** its action whereby it **FAILED** to **ADOPT** Senate Amendment "D" (S-594), **PREVAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MATTHEWS** of Kennebec to **ADOPT** of Senate Amendment "D" (S-594).

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MATTHEWS** of Kennebec, to **ADOPT** Senate Amendment "D" (S-594).

A vote of yes will be in favor of the motion by Senator **MATTHEWS** of Kennebec, to **ADOPT** Senate Amendment "D" (S-594).

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**, **BRANNIGAN**, **BUSTIN**, **CAHILL**, **CARPENTER**, **CLARK**, **CONLEY**, **DUTREMBLE**, **ESTY**, **GOULD**, **KANY**, **MATTHEWS**, **MILLS**, **PEARSON**, **RICH**, **THERIAULT**, **TWITCHELL**, **THE PRESIDENT** - **CHARLES P. PRAY**

NAYS: Senators **BOST**, **BRAWN**, **CLEVELAND**, **COLLINS**, **EMERSON**, **ESTES**, **FOSTER**, **GAUVREAU**, **GILL**, **LUDWIG**, **MCCORMICK**, **SUMMERS**, **TITCOMB**, **VOSE**, **WEBSTER**

ABSENT: Senator **HOLLOWAY**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MATTHEWS** of Kennebec, to **ADOPT** Senate Amendment "D" (S-594), **PREVAILED**.

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "B" (S-586).

On further motion by same Senator, Senate Amendment "B" (S-586) **INDEFINITELY POSTPONED**.

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: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A vote of yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED** 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**, **CARPENTER**, **CLARK**, **CLEVELAND**, **CONLEY**, **DUTREMBLE**, **ESTES**, **ESTY**, **GAUVREAU**, **GOULD**, **KANY**, **MATTHEWS**, **MCCORMICK**, **MILLS**, **PEARSON**, **TITCOMB**, **TWITCHELL**, **VOSE**, **THE PRESIDENT** - **CHARLES P. PRAY**

NAYS: Senators **BRAWN**, **CAHILL**, **COLLINS**, **EMERSON**, **FOSTER**, **GILL**, **LUDWIG**, **RICH**, **SUMMERS**, **THERIAULT**, **WEBSTER**

ABSENT: Senator **HOLLOWAY**

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the Bill 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.

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 Making Supplemental Appropriations for Fiscal Year 1991-92

H.P. 1699 L.D. 2379
(H "A" H-1045; S
"A" S-569 to H "B"
H-981)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 5 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, 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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage Private Sector Investment in Tourism"

S.P. 911 L.D. 2331

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

Signed:

Senators:

MATTHEWS of Kennebec
DUTREMBLE of York
CAHILL of Sagadahoc

Representatives:

KILKELLY of Wiscasset
LEBOWITZ of Bangor
STEVENSON of Unity
SALISBURY of Ellsworth

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

Signed:

Representatives:

MELENDY of Rockland
BELL of Caribou
GRAHAM of Houlton
HEESCHEN of Wilton
PLOURDE of Biddeford
KONTOS of Windham

Which Reports were **READ**.

The Majority **UGHT TO PASS** Report **ACCEPTED**.

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

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

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

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Revise the Purpose of the Board and Department of Environmental Protection and to Temporarily Exempt Certain Activities from Certain Permit Requirements" (Emergency)

H.P. 1672 L.D. 2348

From the Committee on **HUMAN RESOURCES** Resolve, Directing the Department of Human Services to Maintain Long-term Care Services

H.P. 1444 L.D. 2056

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 **JUDICIARY** on Bill "An Act to Require a Right-to-cure Notice in Residential Mortgages"

H.P. 1466 L.D. 2078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1024)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1024) AS AMENDED BY HOUSE AMENDMENT "A" (H-1042)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1024) **READ**.

House Amendment "A" (H-1042) to Committee Amendment "A" (H-1024) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1024) As Amended by House Amendment "A" (H-1042) thereto, **ADOPTED**, in concurrence.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in 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 **JUDICIARY** on Bill "An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings"

H.P. 1419 L.D. 2031

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1023)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1023)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1023) **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.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Transferring County Jail Operations to the State"

H.P. 998 L.D. 1447
(C "A" H-979)

In Senate, March 4, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979) AS AMENDED BY HOUSE AMENDMENT "B" (H-1037)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BALDACCI** of Penobscot, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Health Security Act"

H.P. 1093 L.D. 1593
(C "B" H-967)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-966)**.

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-967)**.

In House, February 27, 1992, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966)**.

In Senate, March 3, 1992, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-967)** in **NON-CONCURRENCE**.

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

Senator **GAUVREAU** of Androscoggin moved that the Senate **RECEDE** and **CONCUR**.

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

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

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending the motion by Senator **GAUVREAU** of Androscoggin that the Senate **RECEDE** and **CONCUR** (Roll Call Ordered).

On motion by Senator **KANY** of Kennebec, **RECESSED** until 4:30 in the afternoon.

After Recess

Senate called to order by the President.

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:

Bond Issue

An Act to Authorize **Bond Issues** for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens

H.P. 1707 L.D. 2388
(S "D" S-594)

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you can see this is the infamous Bond Proposal that was debated earlier at great length. I would like to suggest to the Senate that you reject this measure and we are far from adjourning in this Session. There is still time to reach a lesser amount than the \$90,000,000+ that is contained in this Bill. It seems to me it is still much too high and I would hope we could reject this Bill and have the Council reintroduce another Bill later so we could pass a Bond through this Legislature that would have a better chance of passing the voters. 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: 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 **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CARPENTER, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GOULD, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, TITCOMB, TWITCHELL, VOSE**

NAYS: Senators **BRAWN, CAHILL, COLLINS, EMERSON, FOSTER, GILL, HOLLOWAY, LUDWIG, RICH, SUMMERS, THERIAULT, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators None

This being a Bond Authorization Act and having received the affirmative vote of 22 Members of the Senate, with 13 Senators having voted in the negative, and 22 being less than two-thirds of the Membership present and voting **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

(See action later today)

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 **AGRICULTURE** on Bill "An Act to Prohibit the Sale and Distribution of Certain Milk Products"

H.P. 1163 L.D. 1704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-897)**.

Signed:

Senators:

TWITCHELL of Oxford
TITCOMB of Cumberland
THERIAULT of Aroostook

Representatives:

ALIBERTI of Lewiston
 NUTTING of Leeds
 MAHANY of Easton
 BELL of Caribou
 SPEAR of Nobleboro

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

Signed:

Representatives:

TARDY of Palmyra
 HUSSEY of Milo
 STROUT of Corinth
 PINES of Limestone
 PARENT of Benton

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-897) AS AMENDED BY HOUSE AMENDMENT "D" (H-992)** thereto.

Which Reports were **READ.**

On motion by Senator **TWITCHELL** of Oxford, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-897) **READ.**

House Amendment "D" (H-992) to Committee Amendment "A" (H-897) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-897) As Amended by House Amendment "D" (H-992) thereto, **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Ensure Voter Participation in the Siting of Storage and Disposal of Radioactive Waste" (Emergency)

H.P. 1642 L.D. 2305

Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED.**

Comes from the House **RULED NOT PROPER BEFORE THE BODY.**

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have never asked this question before and I am not sure I am allowed to ask this question. Why was this Bill not Properly Before The Body in the other Body? I would like to pose that question to the Chair.

THE PRESIDENT: Pursuant to Joint Rule 37, the Bill was in the previous Session and was defeated.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I suspected that was the case. As I recall, the Bill in the previous Session was my Bill. The Bill called for a referendum before any town could vote to decide that they didn't want storage disposal of radioactive waste before the issue ever came up. As I understand, this Bill calls for a referendum of towns within an x number of miles of the site if they are under consideration. In as much as there is that much difference between the two Bills would that be the same Bill?

THE PRESIDENT: The Chair would state that the question is immaterial. The ruling came from the other Body and the action that would have to be taken would be a challenge in the other Body. Based upon that ruling any member of that Body could introduce an order to have the Bill pulled out of the files. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Would it be appropriate under the Suspension of the Rules to give this Bill it's first reading and send it forthwith to the other Body?

THE PRESIDENT: The Chair would answer the Senator that it is appropriate to make such a motion but it would have no impact on the ruling in the other Body.

The Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

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 **LEGAL AFFAIRS** on Bill "An Act to Develop a Statewide Voter Registration File"

S.P. 811 L.D. 2010

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

Signed:

Senator:

SUMMERS of Cumberland

Representatives:

TUPPER of Orrington
JALBERT of Lisbon
DAGGETT of Augusta
HICHENS of Eliot
POULIN of Oakman
BOWERS of Sherman
STEVENS of Sabattus
PLOURDE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-596).**

Signed:

Senators:

MILLS of Oxford
KANY of Kennebec

Representatives:

LAWRENCE of Kittery
RICHARDSON of Portland

Which Reports were **READ.**

Senator **SUMMERS** of Cumberland moved that the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I request a Division. I hope you will defeat this motion to accept the Majority Report so we may go on to accept the Minority Report. The Majority Report is an Ought Not To Pass Report and the Minority Report simply allows for a study to be done on this issue. There is no cost to the State for the study to be done and I would hope that we would defeat this motion so we may vote on the Minority version. Thank you.

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

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

Senator **SUMMERS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that you would vote with the Majority Ought Not To Pass Report of the Committee simply because I feel, at this particular time, whether or not a study can be absorbed into the current budget, it is imprudent to expend any resources on this matter at a time of fiscal crisis. Thank you.

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

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **SUMMERS** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-596) **READ** and **ADOPTED**.

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

The President requested the Sergeant-at-Arms escort the Senator from Cumberland, Senator **CLARK** to the Rostrum where she assumed the duties as President Pro Tem.

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

The Senate called to Order by the President Pro Tem.

On motion by Senator **PRAY** of Penobscot, the Senate **RECONSIDERED** its action whereby it **FAILED** to **ENACT**:

Bond Issue

An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens

H.P. 1707 L.D. 2388
(SDS-594)

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

Senator **PRAY**: Thank you Madame President. Ladies and Gentlemen of the Senate. I request a Roll Call on enactment. I want to first of all start off by complimenting the debate that took place this morning. At times it got off the various procedural questions as to whether we were adopting an amendment or we were talking about the entire issue. I think there was a fair amount of discussion to the subject matter itself and the issue. At this time I must express a little disappointment that we failed to enact this amended version, a scaled down version of a Bond Package to send out to the people of this State.

I understand the philosophical arguments that people have on both sides of the issue. My concerns are to the remarks that were made moments ago when we failed to enact it as to the fact that there is enough time to have another bill come up or to come up with a smaller figure. To this point, through my own personal involvement in discussion with putting

together a package, of having staff from my office work with the administration and work with the entire legislature and work with the Committee on Housing and Economic Development, work within leadership and again working with the administration in trying to put together a package, there was never at any time a dictation to the Committee to come up with a set dollar amount. It was our feeling that the membership of the Committee, not a dictation from leadership or from the Executive of this State, to allow the committee to have bubble up from them a dollar figure as to what they thought would be a worthwhile project to send out to the voters that would create employment opportunities. My concern is that there are some who say that we should not vote for this because the dollar figure is too high. Yet, there was ample opportunity to prepare amendments to downsize it, there was ample opportunities to offer alternative suggestions to the Committee itself because they had met over several days. Our caucus talked about the fact the committee was working on it. There were ample opportunities to suggest those ideas.

My concern as Presiding Officer of this Body and keeping a very watchful eye on the calendar of legislative days and the ability to complete the task that is before us and the complexity of issues that are in variety of Committees is the perception that we have in the remaining three weeks, three weeks which is a total of thirteen legislative days, of coming up with an additional package at the same time that we are hoping to close the 1993 budget, to be able to address restructuring, to be able to address Workers' Compensation proposals that have already been introduced let alone those that have not yet been introduced, to address the entire spectrum of issues that we are talking about this morning as a way to solve the current national recession that we're in. I'm very concerned there is a feeling that there is a tomorrow and another tomorrow and another tomorrow to address this situation. My expectation is not that I can take to the floor and convince people to change their opinions on this but, I want to rudely awaken you if necessary, to the time factor that is at hand. It is not my expectation to spend countless days and nights here trying to put together a package without any idea of what the perimeters of acceptance are and throughout the discussion those figures have never been presented. The alternatives, the suggestions as to what is acceptable to the people in this body, not to the people of the State of Maine, to the people of this body as a reasonable size package. Having not seen that forthcoming in the discussion in the last day or two, it really concerns me seriously that we would ever be able to resolve this package. Thank you very much Madam President.

On motion by Senator **PRAY** of Penobscot, 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 Franklin, Senator Webster.

Senator **WEBSTER**: Thank you Madam President. Ladies and Gentlemen of the Senate. If we try to work together here the last few weeks of the Legislature, I have to share with this Body and all those that can hear me an unfortunate situation that happened several weeks ago. Leadership met with the Governor in one of our weekly meetings and one of the subjects that came up was Bonds. At that time I

expressed my concern that \$100,000,000 Bond Package, probably would not pass because I didn't think there was enough support in the public and there was not enough support here in the Legislature. It essentially was said "tough." The same kinds of things that happened last year to cause a breakdown when some people suggested that it didn't matter what the Minority's position was. This is not and has not become a party issue. I do find it offensive when people are willing only to listen to one side. I suggested in that meeting, among leadership, that perhaps since some of us were very leary of voting for more than \$50,000,000 Package. There are some people who think we ought to reach an agreement since the original package was for \$106,000,000. We ought to look at coming to a more reasonable approach but what we have today is exactly what we were told was going to happen then. We were going to be forced to have to vote for this or against this. I'll tell you something, I would agree with the good Senator from Penobscot, Senator Pray that we do not have enough time.

I have been here a long time and I know the way this process works and I know that we can enact a Bill on Monday or Tuesday if we so want it. There are other alternatives available than voting for this package, which in my opinion is much too full of spending proposals that are not acceptable to me or the people I represent. I take offense to being told two weeks ago, to being told, "Hey guys, you take what we give you or you get nothing" and that is what we are faced with today. Ladies and Gentlemen, if you will vote for this or you will have nothing. Well, I suggest there is always tomorrow and I also suggest that this is not the way Government should work. Government should work with bi partisan. We all ought to work together we all ought to listen to each others views, rather than just say you take this or nothing. I suggested a week and a half ago, two weeks ago that this was not acceptable but it didn't matter because I was told well we will run this up on the floor and we will make you vote against it. I had no problem voting against this. If there is sincerity among those who would like to pass this today and work together on these things than there ought to be an open ear to other views. This Bill is too expensive. It costs too much. The people in Maine, at least the people I represent, will not buy it. I will tell you one more thing, not only will they not buy it, but I can guarantee you there will be a tremendous amount of Legislators out on the street arguing against it. For us to enact this type of Bond Proposal, we need near unanimous support of this Legislature. I don't have alot of influence in this State but I can tell you one thing I will do all I can to explain to the people of the State of Maine, at least to the people I represent what this Bond does and how it came to be passed.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I found it enlightening to hear from the Senator from Franklin, Senator Webster because he said there are things here in this package he doesn't like. I would like to pose a question to him. Could he tell me specifically what the projects are in the new amended version that he does not like? The Committee looked at over \$180 million worth of public work projects in this State. This is exclusion of the Department of Transportation

proposal. If the good Senator from Franklin, Senator Webster would be specific as to what it is in this proposal that he disagrees with and if he would be specific as to why he did not offer such an amendment.

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

Senator **WEBSTER:** Thank you Madam President. Ladies and Gentlemen of the Senate. This is an easy question to answer because I have already explained this at least a half dozen times to the Senator from Penobscot, Senator Pray. I believe we should be fixing roads, bridges, and sewer projects. I am speaking as a Senator from Franklin County, District #4. I believe we ought to fix roads. I don't mind borrowing against my children's future to build roads, bridges and sewer projects, for \$50-\$60 million, but I do not believe in mortgaging the future of my children and doubling State debt so that Legislators can go home and say they did something for everybody. I don't support that position. I have said all along that, personally, I would support a Bond Package that fixed roads, would pave infrastructure and build bridges. The good Representative from Lewiston, Representative Boutilier came to me earlier today and he explained to me a couple of proposals that are in this package that deal with railways and those made some sense to me. I think we could reach unanimous agreement or near unanimous agreement on some type of package more reasonable. It would be more apt to pass if there was enough interest in this Legislature on working together. At this time I see a train running straight down hill and "Hey if you don't like getting run over, just get off the tracks." I am offended by that.

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

Senator **MATTHEWS:** Thank you Madam President. Ladies and Gentlemen of the Senate. I am still trying to remain composed. It is getting harder and harder by the minute but I can't sit any longer and listen to the good Senator from Franklin, Senator Webster just put a barrage of words out there that don't quite hit the facts. I remember the discussion we had the last time with the Governor and I was there as was the good Senator from Franklin, Senator Webster, the President of the Senate and leadership from both sides of the isle. I remember the discussion about the total package and the dollar amount. I remember asking Senator Webster if we come down to \$80,000,000-90,000,000, how would that sound to him? Are you going to vote against it? He said, "Well I'm not sure, I haven't made up my mind." At that time, not too too long ago, there was not any set dollar limit from the good Senator from Franklin, Senator Webster. We are so close at sending this package out, sending it out to the voters of the State of Maine, recognizing a real need of problems that exists with unemployment and business dislocation and all the concerns we have. We've got an opportunity to let the voters decide and we just don't want to move off the square. We are so close.

Part of this package on the Housing and Economic Development side, talks about trying to help schools with construction projects. I know as Republicans and Democrats in the Senate, that all of us have a commitment to education. We have different methodologies in getting there but we have a commitment and the goal is the same. This package contains money for local schools, \$5.3 million for

projects that are way past due. In there, the good Senator has talked about being a strong fighter for education, it's right in this package. There's money for local towns and municipalities. The good Senator from Franklin, Senator Webster has prided himself in being a fighter for municipalities. We were on the same side not too long ago on that issue. That is in this package.

When you talk about infrastructure, what we are trying to do here is to do those good public works to try and improve the state we live in. I ask those that don't support this package or have voted against this package to really think about the people we are trying to help.

The good Senator from Franklin, Senator Webster mentioned in the last debate the unemployed. I said in response to the good Senator from Franklin, Senator Webster, "If you've got a proposal that will put all the unemployed people to work, present it and I will co-sponsor it with you. I will fight for it." We can do it. It's just not panacea as been mentioned. It is a good concrete plan. The last point I want to talk about it is the process. I take exception to anyone, and especially the good Senator from Franklin, Senator Webster saying that we didn't compromise. I led that compromise. I worked with the members of my committee. I championed that compromise and I am proud to say that I did. And I appreciate very much the good Senator from Penobscot, Senator Pearson's remarks about what I've tried to do. I have tried to reach out to accommodate the concerns of the membership in this Body. I have reached the point Ladies and Gentlemen, after taking the heat from those that didn't particularly care for my attempted compromise, that that's it. At some point we have to jump off the dock to leap into the pond. What we are talking about here is to give the voters an opportunity to say Yea or Nay to what we are trying to do here with job infusion. I think they will say yes and I think they will say good things about the Legislature and the process. In this year they were down in Augusta and they recognized a real problem. They weren't playing games, there are no games to be played here, there's no partisan battle here. The lives of people here are at stake. We are so close it's just really amazing to me what we are doing. I want you to vote for this to send the question out to the voters. Both of them separate questions, let them say yes or no. I know somewhere around here, kind of a subteranean effort, is to divide the package. Some people are just sitting back waiting thinking to themselves it's going to get blown out at the end. It's going to happen, some members, not the majority here, and I mean of both parties that support this package, but some are hoping because this Senator, the Senate Chairman of Committee of Housing and Economic Development, worked with the Transportation Committee and I am pleased with the efforts of the Transportation Chair and the members of that Committee. We have worked with you all the way through and I appreciate that candor and that working relationship. No surprises. Some are hoping we're going to get side-tracked. This is pilgrim's progress we are at the V Ladies and Gentlemen. One road goes up to enlightenment, goes to the opportunity for people to decide, the other one goes down and that is unfortunate.

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

Senator **PEARSON:** Thank you Madam President. Ladies and Gentlemen of the Senate. A statement was made this would double the State debt. That is not accurate. It is not accurate even if you just take into consideration the General Fund. It is certainly not accurate if you take into consideration both the General Fund and the Transportation fund. I would hope that those people who are journalist would not pick up on the fact that we double the State's debt with this. It is not true.

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

Senator **CAHILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. I apologize for having to speak again on this particular issue. I had not intended to speak in fact we had not even intended to have a roll call but we couldn't find one of the members of our caucus who had expressed an expressed interest to be recorded on this because she was not able to attend earlier. As a Leader I feel every member should have a right to vote on this issue. I apologize to our good Senate President because it went contrary to our conversation of earlier in the day. It was not intended, it was not meant and it certainly was not planned. I just want to make that clear for the record.

The good Senator from Penobscot, Senator Pray brings up a couple questions of things that might be eliminated from that package and he has heard nothing specific. I have a specific for you and I would like to explain what it is and why I have not offered it in the form of an amendment. I think it is the \$7,000,000 for the recall section of this. I've sort of vassalated on this recall issue. For those you who may not know, and I have had to be educated on this myself, Recall Management is sort of a collection agency for Fleet Bank. It's not a collection agency but it's where the loans that they don't absolutely love or don't have the proper collateral. You know by reading the newspaper that many of those recall mini-loans have been recalled by Fleet Bank. Probably loans that are not terrible loans, that are not going to bankrupt anyone, but because of the drop in the real estate market, those banks that intended to have a lot of collateral no longer have that real estate as collateral. They are businesses that are working, they have people working in them, and they're not really a bad deal. They just don't meet the criteria set forth by the holding company and they've recalled over one hundred loans. We have put \$7,000,000 in this package to help out with those recall loans. Is that something that is worthwhile, well absolutely it's worthwhile but the Small Business Administration from Washington is also looking at those recall loans and they are also looking at a program as we speak, to help bailout some of the better loans that are currently before recall. Maybe we can take \$7,000,000 out of this. I think, and you're going to die when I say this, I think the Transportation portion of this Bill could be pared down. Amazing isn't it coming from a sand and gravel crowd type, but I do. I think that at this time, perhaps the Transportation portion of this is too generous. Once again Ladies and Gentlemen, we're talking about jobs here. I understand the need for jobs. I understand that we need to create jobs in the State of Maine. I am here tonight, I don't want to be here and I hadn't planned to be here because it's my son's fifteenth birthday. We are having a birthday party at 5:30, I'm going to be a

little bit late I guess but I'm here. You know why I'm here Ladies and Gentlemen, I think it's my son's future we're talking about here today. I honestly believe that. The debt that we are incurring with a \$90,000,000 Bond Package is going to fall on his shoulders to pay back. Is he going to be able to afford to do that in five years or ten years? Thank you.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. First of all to the good Senator from Sagadahoc, Senator Cahill, she had no need to apologize. The conversation was that we would try to accommodate a number of people who had places to be this evening. Sterns girls are playing Cony girls this evening and I had hoped to be in Bangor to see Sterns win. Senator Baldacci obviously pointed out earlier that the Lawrence girls who are playing later this evening will be dining at his place this evening and he was hoping to be serving them in his establishment. Obviously circumstances and situations sometimes that arise are outside of our control and we had tempted because we didn't think any positions would be changed and I had made those same comments earlier.

A few moments ago I had asked the Senator from Franklin, Senator Webster, if he could tell me what was in this package that he didn't like. He stood up and told up what he likes in the meetings that we have had outside of this Chamber. He had told us what he likes about it but again I find it difficult to what we tell the public as to why we shouldn't have this, why amendments were not offered to put this into a perspective that was acceptable to them instead of opposition to what is taking place. A positive signal or positive proposals that gives us the option of saying "Here is an alternative, here's how we should put this together." It's very easy to be on the sideline and to offer constructive criticism of saying that what somebody else has accomplished isn't sufficient and isn't good enough, but it is far better in that constructive criticism to offer some positive points of what it takes to put it together. That has been my concern the last couple of years, not only in this particular subject here, but in a number of other subjects, of trying to put together a variety of perspectives so that we can have the consensus. I think that the actualities that were given to the Housing and Economic Development Committee and specifically to the Chair from this Chamber is one of the reasons we came out with a ten to three report. It was a bi partisan report. I would also point out bi partisan on the Minority of the three of two Republicans and one Democrat signing out in opposition. I happened to be in the Committee room when the vote was taken and the member of my political party who voted against it said he believed in it, the only reason he was voting against it was because the other side was voting against it. That is not a sufficient reason for anybody to vote against a package. I do think that we do understand that all of us are talking about the opportunity of moving this state forward and improving the economic climate. It is a number of variables that will make that accomplishment be completed done in a piece meal fashion. We are attempting to address all of the issues that have been raised by those who have expressed concerns on this. I have no problems of standing publically and

say I think this package is too small. I think this package is ridiculously small for what we can accomplish in employment opportunities and the number of jobs we can create for Maine people. People paying Maine taxes, buying Maine goods and Maine services. We improve the infrastructure for the future generations of this State. We improve the opportunities for the same individuals who concerns are expressed today about who is going to pay for this. We provide the base, as we recover from this national recession, of support in infrastructural support be there to accommodate them. That is why this is not a burden on the future generations but an investment in the future generations of this society in this State. It is that, which I see as optimistically, an opportunity to pass at least a \$90.3 million package.

The figures that were given to me yesterday say that the average cost per citizen over the life of this Bond Package would be under 10¢ per person with the interest rates and a 10¢ to put a number of people back to work and have the infrastructure in place when the economy recovers. I see this package as being something that has been well thought out. It has tried to cover the spectrum of what we can do in a conservative sense to provide hope and opportunities for Maine people in a very difficult time. I have read a book a couple of times and am in the process of reading it for the third time which is the history of the Depression. I keep reading during this recession we have been in and I have read it twice in the last year and one half. It has a lot of history about the New Deal and what the Federal and numerous State Governments have done. Historically, it is not just from the period of the New Deal forward, that we have found members of both political parties in National Congress and those leading in the White House have put forth public work projects to provide employment opportunities to Maine People. We have seen it from the Federal Government from the Reagan Administration, Carter Administration, Ford Administration, Johnson Administration, Kennedy Administration, Eisenhower Administration, Truman Administration, and obviously back to Franklin Roosevelt himself. Each one of those administrations have put forth public work projects that were investments in the future of this Country. This Bond Package today, is acceptable to me because it is a consensus. It has been something that has been put together by hearing from people with various viewpoints. It is a lot smaller than what I would like to see it, nevertheless, the bi partisan consensus. I am very concerned that the current opposition of this is of a partisan nature when you look at where the votes have been cast from the last Roll Call. It sends an inaccurate message to the people because I believe the good Senator from Franklin, Senator Webster and the members of his party do want to improve the economic opportunities of people to this State. We have attempted to address their concerns about the ability of this State to handle this. That is why the administration has not been in opposition to this package. It is why there has been bi partisan support in this package. It is why it appears on our desks this afternoon for enactment because it has received bi partisan support to this point. I would hope it would continue to receive bi partisan support and go to the voters as quickly as possible so we do not lose the valuable time to do something to move this

economy out of the stalemate it is currently in. Thank you very much Madam President.

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

Senator **GILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. I have been running around talking to different people here. I have been trying to see what accommodation could be made. I know where I have stood right from the very beginning. I haven't wanted to put any Bond Issue out because I feel it wouldn't create enough jobs. It would leave us in debt over too long a period of time. At this point, I would be willing to look at a further compromise if someone else was willing to table this so we could look at another figure for the final Bond Issue. I leave it there. If anyone is interested in doing that, the offer is there. If nobody is interested, I will sit down and continue to vote the way I have. Thank you.

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

Senator **DUTREMBLE:** Thank you Madam President. Ladies and Gentlemen of the Senate. I made a comment this morning that this is dejavu all over again. I repeat it, dejavu all over again. We have gone through this and reached consensus amongst the two political parties in the Committee. The Majority Report 11-2, the Administration that is supporting it, the business community is supporting it, and the Labor group is supporting it. I can't find all these people that are opposed to it. I haven't gotten one call that has told me not to pass this Bond Issue. Do I live in a District that is so much different than yours? I don't think so.

The Committee, under the leadership of Senator Matthews from Kennebec, worked diligently on this matter. They came out with a bi partisan report to help the working people of this State, actually the ones who are not working. Let me tell you something about compromise. The good Senator from Sagadahoc, Senator Cahill talks about recall. I recoil at recall. I was adamantly opposed to recall being included in this Bill. One of the things I have learned over the years about being a Legislator is that you have to compromise. That is what the members of the Committee did. They compromised. I got to understand the reasons why we had to include that because there are industries who are legitimate and solid industries who have been paying their bills and doing nothing wrong and could go under without some help. This Bill is a stabilization Bill. We are trying to stabilize the economy.

We have heard mention of the defense adjustment we will have to make in the future. Is there anybody that doubts that will happen? We have to stabilize and give a shot to our economy now so we can be prepared for what's to come. We are not going to do it by sitting here and having a bidding war. This is not a bidding war. We have gotten as close to agreement as we can get. You have reached a point where you think you can push just a little bit more. I think it is time that we search our political conscience and find out whether or not we should, at this time even if it hurts a little bit, take a compromise position that we are at right now. I don't want anyone to think I am referring to the negative politics of last year, I am talking about the political conscience of negotiating and compromising. We have reached that point. Now we are nickel and diming. The Committee vote was 10-3.

I think the work has been done on this Bill. We are one vote away and we have all seen this point before. I think it is time to bite the bullet and let's move on. Thank you.

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

Senator **GILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. Some people may have reached a compromise. They may have felt that they have come down and compromised some. I don't feel I have a compromise. I started at zero. \$90,000,000 isn't a compromise to me. I feel very strongly that there is an opportunity here. We are looking for one vote, you could have more than one vote if you really sat down and thought about this to see what we could go out with. This is a hard bullet for me to bite. There are others who feel the same as I do here. There are others who are on the other side and want more. This is what we are all about. We are all about compromising. That is what politics is. It is fine to say "Let's take the final vote and take the cars and leave." That is not what I want to do. We are close and if we can table it and we can talk about it some of us may buy in. I think it is worth a shot because we are close. Thank you.

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

Senator **DUTREMBLE:** Thank you Madam President. Ladies and Gentlemen of the Senate. I wonder if the good Senator from Cumberland, Senator Gill is willing to go up on this Bond Issue. I think a lot more than 5000 jobs have to be created. It can be done both ways. We started at \$180,000,000 and you started at zero. What is the middle point here? The Committee pared it down to \$106,000,000 and now it has been further pared down to the low 90's. Nobody wanted \$180,000,000 in a Bond Issue. I think the people were looking for an amount that will do something. We are looking to put people back to work and stabilize businesses that need help. We are looking to build roads and help municipal infrastructure. All items that are needed out there. Regardless of what you feel on this, the ultimate decision is going to remain with the voters of this State. You are not passing \$100,000,00 as individuals, the people of the State of Maine will have the opportunity to vote for that. If it is true what they have been telling you about not wanting Bond Issues, they will vote no. What if they have had a change of mind? You are not even giving them the opportunity to help their fellow Mainards. I would hope that when the vote is taken here that we understand that if this fails it is gone. I know that I have spoken to a number of you. Some of you aren't that far off. I think this is well within your reach to vote for. I think we should do it and go home. It is not pack your cars and go home, it is just do it and give it out there for the people to say we have finally done something. Thank you.

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

Senator **CAHILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. To begin with I don't think anyone really thought we started at \$180,000,000. It was a package presented to us that was worked up by the very staff people which said we could do \$180,000,000. We could probably do \$300,000,000 or \$400,000,000 but let's get realistic. The \$180,000,000 was a figure that was presented to us in the beginning but pretty much

unanimously on the Committee, we agreed to throw out things like municipal swimming pools and tennis courts. We agreed to throw out issues that were rejected in the last Bond Issue four months ago in November like State Buildings. Almost from the first day we went into Committee to debate this, we were at \$50,000,000 for the Economic and Development side of that and Transportation was at \$56,000,000. I think we started, in all fairness, at \$106,000,000. That is my feeling.

I don't think I have ever said never. I am willing to compromise. I compromise an awful lot. I said it in my speech yesterday. As a leader I think that is my job. Sometimes I don't like and sometimes I know you don't like it. I would go with a tabeling motion because I think we can go down further. I think we could take recall out and pare down the Transportation package. Thank you.

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

Senator **ESTES:** Thank you Madam President. Ladies and Gentlemen of the Senate. I don't want the comments about recall to slip by. That is what people have been focusing on in terms of a \$7,000,000 part of this Bond Package. It is not all recall. For the last six weeks, I have been meeting on a weekly basis with very nervous, anxious business people in Southern York County. They are indirect victims of recall. What has happened is with recall coming in and Federal action being taken against the Savings and Loan Industry, many of the banks have become very nervous and have constricted cash flow to businesses. These are people who need to rehab buildings to keep their businesses viable. Many of them are on the verge of necessary expansion to provide jobs and they can't get loans. There have been so many changes in the banking industry over the last four or five years. We have people who have family businesses that have been in Southern York County for generations who stayed with the old Banks until the bigger Banks came and took over. Because of the credit crunch nationwide and recall coming in with Fleet we saw some of our bigger and not so much bigger Banks becoming nervous. We are talking about providing them with loans against assets and loans that will be repaid.

There is another thing that has been discussed here in which the finger has been pointing to voters rejecting the Bond Issues in November as a message we are being told about putting out Bonds in April or next November. I don't believe that is the message they were telling us. I think the rejection of those Bond Issues in November was a result of voters being resentful, angry, and disgusted with this Legislature for the actions we were taking in July when the budget was blocked and we dragged on for days and State Government was shut down.

When the recession really began to hit home in the late summer and early fall, many of the voters realized we had done nothing to prepare ourselves for what many of us knew was a recession that was going to be severe. We have not provided them with any insurance that we would have some tools in place to blunt the recession either in the fall or in the winter. Here we are with 3 1/2 weeks left in the Session and all of a sudden some of our economic revitalization ideas are coming through. This is one thing will not make us heroes. It is just the first of many steps that we have to take and we must take before this Session is over. I think this is a

doable amount. I have felt that I have compromised with the amendment that was added that took off a portion of the Bond that I feel is very important. I think that \$90,000,000 is a realistic figure that we can convince the voters that jobs will be provided and sound investment in infrastructure will take place. I urge you to not only support this Bond Issue, but let's sit down over the next week and a half and roll up our sleeves to talk about the other points to the action plan that needs to come out of this Legislature before we adjourn at the end of this month. Thank you.

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

Senator **MATTHEWS:** Thank you Madam President. Ladies and Gentlemen of the Senate. I think it is also important to remember in this debate as we get into the dollar figure, we are talking about sending two questions out to the voters. One question asks for \$48,000,000 for highways and Transportation. The other is for \$42.3 million for municipal spending, FAME, and schools. Two questions. It is sometimes easy to link the two together for whatever purpose you are looking for but there will be two measures on the ballot for the voters to say yea or nay to.

It is interesting that if we sent out only one question that dealt with Transportation, I wonder how many voters in the small communities might be asking the question, "Boy don't they get it in Augusta? Don't they get the message? What about us in Aroostook County? What about us in York County? What about the folks living in Rumford and Oxford County?" We tried to deal with that issue. We tried in the Housing and Economic Development Committee bi partisanly to deal with that very important issue. We tried to reach out into every county in all parts of our State to deal with the problems of high unemployment and business failures to reach consensus. We want to do something concrete for people in all different parts of the State or at least have an open process. The good Senator from Franklin, Senator Webster has mentioned many times what about the little guy and the little town. I agree with that. We tried to deal with that very issue. We have compromised in the Committee. I have offered an amendment which further compromises. We tried to give Transportation an opportunity to do their job and not infringe upon their process in Committee. We did so in a fair way. I can't think of a more open processing Committee than this one. The process has worked up until now. Now the plug is going to get pulled and the process has gone the way we envisioned it. I won't be here next time for that future. We have the opportunity to see the fruition of that process which is important to the membership.

It is important to remember also, with respect to this Bond Package, that you have an opportunity to support a package that is supported by those in the last referendum on both sides of the Turnpike Issue. The Anti Turnpike and Pro Turnpike are both saying this is a good package. The package makes sense because it deals with the kinds of things I have just mentioned and that have been debated here. It has been an inclusionary process involving all interested parties. The process can work, let it work and go to the voters to decide.

The \$7,000,000 for FAME that has been eluded to and mentioned here will provide a much needed source of direct loan fund to help businesses access the capital they require to survive, maintain existing

jobs, and encourage expanded employment opportunities. The Economic Recovery Fund will provide direct financing for businesses which have good prospects for success but can not obtain the needed capital from any other lender including bank loans guaranteed by the Finance Authority of Maine. FAME already provide loan guarantees on a wide range of commercial loans including refinancing working capital. The SBA is currently seeking additional guarantee authority. That additional guarantee authority has not been approved by Congress or the President to deal specifically with loans in recall. However, the SBA does not have any direct loan funds available to assist those companies which need additional financing. One that comes to mind is Duratherm Window. There are companies all over the State of Maine. Finally it is important to recognize the magnitude of the current problem. Recall alone has twelve hundred commercial and industrial loans in its workout portfolio. This loans have a value in excess of \$100,000,000. In addition, there are similar distressed commercial loans in virtually every commercial bank in Maine. It stands to reason that the SBA will not be able to assist every borrower that is experiencing difficulty with that lender. This is the reason the Finance Authority of Maine was established in 1983 and this is the reason we have tried to address the problem in a bi partisan compromise fashion with \$7,000,000. Those twelve hundred business represent thousands and thousands of Maine people that will loose their jobs and go on unemployment and not have the money to invest in their communities. They won't be circulating dollars in the State. They won't be paying taxes. What are we thinking about, Ladies and Gentlemen. The members of the Minority Party in this Chamber, in my ten years you have always championed and so have we. This Bill comes from the business community with their interests and concerns for economic growth. It comes from the unemployed, the administration, and it makes sense. It really makes sense.

Sometimes it is nice to reach back in history and look at how other periods that have gone through similar troubles dealt with them. There have been recessionary periods that we have all gone through. The good Senator from Penobscot, Senator Pray mentioned about stimulus packages coming from Republican and Democratic Presidents. Let me just read to you one very short testimony. "A host of unemployed citizens face the grim problem of existence today. An equally great number toil with little return. Only a foolish optimist can deny the dark realities of the moment. I hope we are not going to be foolish optimist here. As was mentioned yesterday in the debate, hunker down, tell the unemployed worker to hunker down when he or she has to feed their family. Tell them to hunker down and regroup. My God, the American way is to get out there, work hard, and have a Government that cares. That is not a Republican or Democrat precept, that is an American precept. Restoration calls, however, not for changes only in ethics. This Nation is asking for action and action now. This State asks for action and the people in our communities asks for action. That is all they have ever asked from the Legislature. In my experience it is best when it acts and responds to peoples needs. That is the package we have before us today. A concrete, tangible, strong response that if you can help us get it through it will be followed by long term job

creation. I am going to end on this. If you think that the process really hasn't worked, and I differ with you strenuously on that, then join me in the Committee as we work on the long term job package. I ask you to join us because I need your help. Thank you.

Senator WEBSTER of Franklin moved that the matter be TABLED 1 LEGISLATIVE DAY, pending ENACTMENT.

Senator DUTREMBLE of York requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to TABLE 1 LEGISLATIVE DAY, pending ENACTMENT.

A Division has been requested.

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

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

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin to TABLE 1 LEGISLATIVE DAY, FAILED.

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

Senator TITCOMB: Thank you Madam President. Ladies and Gentlemen of the Senate. I will tell you I have been sitting here all day taking down notes of some very meaningful comments that have been made from various locations in the Senate today. I wasn't sure I was going to speak but one thing has been repeating itself in my mind today. That is the figure of 5500 workers. Assuming that those will be Maine workers, I have been trying to balance in my mind two things. The first of which is what will it mean if 5500 workers were put back to work? What, in fact, would it mean if 5500 workers are not put back to work. I have been trying to weigh all the pros and cons on both sides of this. The conclusion I have come to is that for any period of time in which we invest money as a society in unemployment, other than paying the immediate needs of a family, in terms of investment we are throwing money down a hole. If we, instead, were to take a look at those 5500 workers and invest those same dollars to provide a long term solution for the employment of some of these workers, than we have made a meaningful investment. One that I believe the State of Maine could be very proud of. I tried to do some figures and I never claimed to be a Math Teacher, I was always an English Teacher. That may be why my mathematical equations are not always perfect. I say an average employee because those who are unemployed right now, are for the most part are people who have had a substantial work history and have brought in a decent paycheck at the end of a week. I figured that it is around \$200.00 a week that they might be bringing home in unemployment. If the figures I have are correct, that \$200.00 a week for a period of 36 weeks, we are going to be looking at tens of millions of dollars in unemployment that we will be giving away. We are giving it away by necessity and responsibility those millions of dollars which could be invested in something that is for the long term.

Frequently when I stand up I give a personal story. Tonight will be no exception. My son-in-law and my daughter are both laid off. My son-in-law has been laid off three times in the last year. He was a welder at Bath Iron Works and he was laid off when work was cut back. He then took a temporary job as a welder and he most recently had an excellent job and

an excellent future as a welder in South Portland. The company that he was employed by had just told him that the company was doing great and things were looking good. We have enough work to keep you busy for sure for the next couple of years. My son-in-law was very enthusiastic about that. Within a week he was called into the office, along with a number of other employees, and was told that although their contracts were good and business was there, they had no money to buy the stock to fill the contracts. My son-in-law is one more time out of work. His unemployment compensation is running down. My daughter is now also laid off. I guess I have to look at this from two perspectives. One is 5500 workers, after their unemployment compensation runs out. Then, if they are not fortunate enough to have family with a couple of extra bedrooms in their house, you are looking at a very serious financial crisis in the State. You are looking at people that, in many cases, will be seeking Aid for Families with Dependent Children. They will be further burdening the towns with general assistance requests. People that, even with food stamps, will not have enough food to eat. People will be loosing their automobiles because they have no money to make payments. I would ask you, as you embrace this question, to look at what sort of money we are throwing down a rat hole. No investment in the future. Unemployment Compensation is wonderful. It keeps people alive during a time when their jobs are not there. It is not an investment in the future. It is a temporary fix. We could take those same millions of dollars as a society and invest them in projects that will move us into the future. I believe this Bond Package would do that. It is not perfect and it may have things in it that people don't like but it may have enough in it so those 5500 people do not have to go through the unemployment cycle. When that has run out they and their families will be lucky enough if they can make their way to the town office to ask for general assistance. I think it is a time when we have to listen, not only to the nay sayers who say Government spends too much money, this is an investment.

I will tell you one of the reasons I have been looking so tired of late is that after we get through here in the day, probably three nights out of five I have been going home to Community meetings throughout my District on a number of different issues. The message I hear over and over is do something. Please do something. Time is running out and we must do something. I believe this Package is step number one towards responsibility. A responsibility that was expected of us when we agreed to represent our people in this Chamber. The people who are fortunate enough to be employed and those businesses that may be going down the tube and those people whose unemployment compensation is running out very fast. I would ask you to support this measure. Thank you.

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

Senator **BRANNIGAN:** Thank you Madam President. Ladies and Gentlemen of the Senate. I am meeting tomorrow morning with a group of people in my area who I have been meeting with for several weeks. These are people who represent University, City, Regional Government, County Government, Job Employment People, Housing People, a variety of Bankers, people who are trying to link and put together economic efforts and job linkages. This

group is waiting, tomorrow morning, to see how they can help take this package and make it move and work in our area. They are ready to monitor how the jobs this will produce will boost the economy in our area. What is missing in this debate, I think, is the psychological affect of doing something and the psychological affect of a major move on our part. It is a scary thing to go into debt. Anyone who really is successful often goes into debt. I have had second thoughts about it myself but I believe the thing we need to do is to move. The thing we need to do is to seize this time and have the courage to go out and put this to work. It is the people who are behind this that makes me feel that it is a boosting opportunity. The people who were for and against widening the turnpike, the Environmentalist, and the Chamber, all these people are ready to get together and say this is a boost to our economy. It isn't just 5000 jobs, it is a psychological boost that we need. I believe that is the most important part of this. That is why we are doing it fast. Ordinarily a Bond Issue goes to the Table but this Bond Issue will not go to the Table because it must go to the people. There is another Bill that follows which will take care of the Table part.

This is timing issue. There is no time to delay. I thought it would be done in one week and we are in the second or third week. It must be done now. The momentum is there and the people are waiting. The Governor, The President of the Senate, and the House Speaker are all working together on this. This is a time when we see all groups working together. Now we are zapping its energy. This has to be a boosting experience and I encourage everyone to get behind this and take the risk to boost our economy. Thank you.

THE PRESIDENT PRO TEM: 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 **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CARPENTER, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GOULD, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, TITCOMB, TWITCHELL, VOSE, PRESIDENT PRO TEM - NANCY RANDALL CLARK**

NAYS: Senators **BRAWN, CAHILL, COLLINS, EMERSON, FOSTER, GILL, HOLLOWAY, LUDWIG, RICH, SUMMERS, THERIAULT, WEBSTER**

ABSENT: Senators None

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, with No Senators being absent, the Bill **FAILED ENACTMENT** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. Earlier today I had the opportunity between Sessions to sit down and read a paper, which I am sure some of you read, "Maine Times." I rise today because in the paper there was

reference to a Bill I have in this Session dealing with Hydro relicensing which is currently before the Energy & Natural Resources Committee. There is a story under the Political Season that EPA wants second hearing after environmentalist locked out. The grassroots fuss over open meetings apparently hasn't floated up to the Senate President's office. When official from the Federal Environmental Protection Agency in Boston arrived last week for a meeting in Augusta over a controversial Bill dealing with Hydro relicensing. I am not going to talk about the merit of the Bill but I guess I have concern over this article. I have been an advocate of public access to meetings that take place in Committees and there are political decisions that are made that have the effect implementing Legislation or Statutory change. I am the sponsor of a Bill, on behalf of some paper and utility companies, dealing with 73 Dams that are up for relicensing this year. As a sponsor of that Bill and the only Legislator that represents a District that has all three of the major utilities in the District and a number of the paper companies, I consider them constituents. Because the EPA and DEP have been giving, what I consider to be, the flim flam run around on who is possible for what, I asked EPA and DEP to a meeting in my office.

My concern about this article is that it implies that any time any Legislator meets on an issue, it has to invite people from the opposing point of view into that meeting. The reporter that covered this never came and talked to me. When the Maine Audubon Society and other Environmentalist expressed concerns that they had not been invited to a meeting in my office with my constituents, they got the impression that in some way this is closed government. The Bill itself, is in the Energy and Natural Resources Committee. The Energy and Natural Resources Committee asked the interested parties to go out and try to work out some of the differences they had on the Bill. My attempt was to clarify what it is that these two agencies had for an expectation from these people and their relicensing. The concern that I have, again, is that can you imagine what it would be like if any member here had an issue they wanted to talk about they would have to go out on public notice and say that at 2:00 p.m. we will be meeting with a representative from one of these departments and we want all interested parties to come into that meeting so everyone can be heard. I believe, very much, in open government. I find it interesting to read such misrepresentation of the facts. This article gives a misperception to the public that this Legislator are up here, in some way, scheming against the citizens of this State. It is a sham to the reading public. It is a sham to those who have been working and trying to resolve the bureaucratic red tape on providing and protecting the people of this State, both environmental and economic interests. The Maine Times has been great for reporting a number of things without checking with me. I didn't find myself very surprised by this article. Be careful who you talk to and where you talk to them because some people in the media are watching. Thank you.

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

SENATE PAPERS

Bill "An Act to Require That Sales Tax Exemptions and Tax Credits Benefit the People of the State"
S.P. 940 L.D. 2402

Presented by Senator **DUTREMBLE** of York Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Committee on **TAXATION** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**. Sent down for concurrence.

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

Senator **GAUVREAU**: Thank you Madam President. Ladies and Gentlemen of the Senate. I rise today on an issue which has not been the focus of Legislative debate but which has attracted wide spread publicity especially in the Southern portions of the State of Maine. That is in relation to a young woman whose name is Sherry Cotton. She has been involved in a Child Protection System and in fact, earlier last year was in a foster home in the Windham area operated by a Bruce and Jan Wilson. This issue has received a lot of attention in the Maine press. As you may recall, this case involves Sherry Cotton who is now charged with manslaughter of a little child. In 1991 when she was in the foster care placement of the Wilsons, she left that placement and later on the Wilsons had occasion to speak to a representative of WGME Television in Portland.

I rise, because there have been some editorials in the Lewiston Sun Journal, the Portland Press Herald, and in the Waterville Morning Centennial. They have all been very critical of the Maine Department of Human Services. The gist of the editorials is that the Department of Human Services is operating in retaliation against the Wilsons dealing with issues regarding their further licensure as a foster care home. The intimation is clearly that the Department of Human Services has decided that because it is miffed at the adverse publicity, the assumption is that it is action in retaliation against these individuals. As you know I am an attorney and I do occasionally represent, on a court appointed basis, individuals in the child protection system. Sometimes I represent the guardian, the child, and sometimes I have occasion to represent the parents. In fact, I have represented Sherry Cotton in Child Protection proceedings in the Maine District Court in Lewiston.

When I became aware of the public disclosure of what appeared to be confidential matter by the individuals involved, I had occasion to lodge a complaint with the Maine Department of Human Services. I did that in my role as an attorney. I am not at liberty, this evening, to discuss in particular the nature of the complaint. I can say to you, as a practicing attorney of some 17 years and a person who is knowledgeable on Maine Protection Statutes, it is my judgement there is a reasonable basis to believe that the Department of Human Services should consider seriously the allegations made of improper and unauthorized disclosure of confidential matter. We have specific statutes, in Maine, which prohibit the disclosure of confidential matter regarding clients of the Department of Human Services. There was no such authorization in this case.

The editorials have been rather sharp in nature. The Portland Press Herald states and I quote; "The DHS has responded to this whistle blowing of the

Wilsons by taking steps towards revoking the Wilson's license. That is inappropriate." Let me say first of all that is inaccurate. The Wilson's Foster Home license is up for renewal and the Department is considering this complaint along with all other relevant matter on whether to renew the individuals or not. I express no opinion on whether or not the Wilsons should secure relicensure. I rise for a very important point. In my role as an attorney, I have not always been laudatory in actions of the Maine Department of Human Services. I must state, for the record, that men and women who serve in the Department are dedicated public servants who work exceedingly long hours for very little compensation. They are truly committed to working in the best interest of the children in the State of Maine. They are committed by statute to enforce the statutes which we adopt as a Legislature and which the Governor signs into Law. In my opinion, the Department is doing precisely that in this particular case. I think the criticism in the Maine editorials is rash, is irrational, and reflects in my opinion that the writers did not take the time to research carefully the facts before they reduced to writing these criticisms. They have called into question, unfairly, the integrity and honesty of the public servants working in the Department of Human Services. That I believe is fundamentally wrong.

If anyone should be criticized, it should be us as policy makers. We have adopted statutes which require confidentiality. In my opinion, the Department is properly reviewing legitimate allegations of violation of those statutes. There is no evidence, in my opinion of retaliation. The complaints against the Department in this regard are clearly out of line and unwarranted. Thank you.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator LUDWIG for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Implement a Comprehensive Ambient Toxics Monitoring Program" S.P. 876 L.D. 2237

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-598)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-598) **READ** and **ADOPTED**.

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

Senate at Ease

Senate called to order by the President.

SECOND READERS

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

House

Bill "An Act to Prohibit the Sale and Distribution of Certain Milk Products"

H.P. 1163 L.D. 1704

(H "D" H-992 to

C "A" H-897)

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

ORDERS OF THE DAY

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

Bill "An Act Creating the Victim's Compensation Board"

H.P. 1265 L.D. 1834

(H "A" H-984; H "B"

H-989 to C "A" H-965)

Tabled - March 5, 1992, by Senator CLARK of Cumberland.

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

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

(In House, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENTS "A" (H-984) AND "B" (H-989)** thereto.)

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

The same Senator moved that the Senate **RECONSIDER** its action whereby it **ADOPTED** Committee Amendment "A" (H-965) As Amended by House Amendments "A" (H-984) and "B" (H-989) thereto, in concurrence.

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

Senator WEBSTER: Thank you Madam President. Ladies and Gentlemen of the Senate. Could the Senator from Androscoggin, Senator Gauvreau explain briefly the action we are about to take and what his proposal is at this time? Thank you.

THE PRESIDENT PRO TEM: The Senator from Franklin, Senator Webster has posed a question through the Chair to the Senator from Androscoggin, Senator Gauvreau. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Madam President. Ladies and Gentlemen of the Senate. I have to undergo a significant parliamentary procedure before I can get this Bill in an appropriate posture to offer an amendment. The amendment I would propose to offer has filing number (S-599). Thank you.

On motion by Senator GAUVREAU of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-965) as Amended by House Amendment "A" (H-984) and House Amendment "B" (H-989) thereto.

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** House Amendment "A" (H-984) to Committee Amendment "A" (H-965), in concurrence.

On further motion by same Senator, House Amendment "A" (H-984) to Committee Amendment "A" (H-965) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "B" (H-989) to Committee Amendment "A" (H-965), in concurrence.

On further motion by same Senator, House Amendment "B" (H-989) to Committee Amendment "A" (H-965) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-599) to Committee Amendment "A" (H-965) **READ** and **ADOPTED**.

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

Senator GILL: Thank you Madam President. Ladies and Gentlemen of the Senate. We have gone through a number of shifts in amendments here and I wonder if the good Senator from Androscoggin, Senator Gauvreau could give us a brief summary of what we have done? Thank you.

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

Senator GAUVREAU: Thank you Madam President. Ladies and Gentlemen of the Senate. I wonder if that wasn't a Freudian slip by the Senator from Cumberland, Senator Gill repeating the adverb brief twice. The Bill we have before us is the Bill on the Victim's Compensation Fund. As you know I argued against enactment of this Bill a day or two ago. My amendment, which I have offered and has been adopted, does change the workings of the Victim's Compensation Board in some respects.

My amendment uses the existing framework of Victim's Witness Advocates in the District Attorney's offices to administer the Compensation Board rather than setting up a new office in the Department of Public Safety. As you know we have eight prosecutorial districts in the State of Maine. Within those Districts we have Victim Witness Advocates. There is also a person in the Attorney Generals Office who also serves in that capacity. One of the concerns I had expressed some length a day or two ago was that we have eliminated some 22 agencies in the Supplemental budget in December so I thought we could take advantage of the current resources available to us rather than add new positions to State Government. I remain opposed to the Bill but it seems if we are going to have the law, we should have a law that is more efficient. That is the first change I would have.

I would note that in the States of Arizona and Colorado they have the same apparatus where they use the Victim Witness Advocates. One concern in those States, which was mentioned to me by the folks in Washington who oversee all these Boards, is that because of the close working relationship between the Victim Witness Advocates and the actual victims of crime it is very difficult for the Witness Advocates to really be neutral in weighing someone's claim for compensation. As a result, this amendment would have the Witness Advocate to excuse him or herself from voting on compensation so we wouldn't have that situation. This amendment addresses, I think, an unintended consequence of the original Bill as amended which would be ironically to allow double compensations in rare cases. It was theoretically possible under the original Bill that this Body adopted for a victim to be paid twice, both fund and also by the defendant pursuant to restitution order. Under this amendment the victim can't be paid twice. Any additional money has to go to reimburse the fund.

Finally, addressing a concern of my colleague from Androscoggin, Senator Berube, this Bill makes it very clear that the fund can pay only directly to victims of crime. Under the original Bill it would have been possible for the fund to enter into contracts with providers like mental health services. This has been a difficult issue. I felt it was best that we allow the Board to set up policies dealing with how much money it would allow to set up hourly rates or caps. Those are the four major features of my amendment. Aside from that, I believe it doesn't disturb the original Bill that was adopted by this Body. Thank you.

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

Senator HOLLOWAY: Thank you Madam President. Ladies and Gentlemen of the Senate. I have no objections, what so ever, from taking this from the Department of Public Safety and put it in the Attorney Generals Office. The only problem I seem to be having is the Victim Witness Advocates, nine of them being on the Board. As I read the Bill, it tells me the Witness Advocate would not be voting on the victim they have that would be receiving the grant. I wish you would clarify that further for the record. Could you please? Thank you.

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

Senator GAUVREAU: Thank you Madam President. Ladies and Gentlemen of the Senate. I appreciate the comments from the good Senator from Lincoln, Senator Holloway. She is correct that this would be a nine person Board. Concerns were raised on whether that would be too large a Board. Should we have a five person Board? I decided to allow each District Attorney to appoint one person from his or her office to serve on this Statewide Board. My hope is that by having a statewide Board it will adopt uniform policies on when compensation should be given so someone in York County will be treated the same as someone in Aroostook County. The other issue is what I mentioned earlier in my remarks, that it is true that the Victim Witness Advocate who actually works with the victim would not be allowed to take part in voting because of the strong emotional bond that the Victim Witness Advocate might have with the victim. It is thought best in those States like Colorado and Arizona not to allow those particular advocates to take part in the decision on whether compensation should be awarded. Thank you.

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

Senator MCCORMICK: Thank you Madam President. Ladies and Gentlemen of the Senate. I would like to pose a question to the Senator from Androscoggin, Senator Gauvreau. Does this amendment allow compensation for counseling due to the traumatic affects of being a victim? I read on page 5, Section 3360 Part E that persons who are eligible are only persons who suffer bodily injury. I would like to have you address the issue of counseling because counseling is a very, very, important issue to this Bill. Thank you.

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

Senator GAUVREAU: Thank you Madam President. Ladies and Gentlemen of the Senate. It is not the intent of this amendment to anyway change the cohort of victims who would be eligible for compensation. This amendment should now in any way change that. It does deal directly with the issue of whether or not the fund can set up a contract with a certain provider to provide services. This amendment would remove the capacity of the fund to hire a particular group or provider for the class of victims who need counseling. It would, however, clearly allow the victim to make application to the fund for reasonable costs for counseling. As I understand some states have provisions, whereby, the fund decides it caps the hourly rate of reimbursement or it caps the total amount of reimbursement to a given provider. This is a very sensitive issue, not just with me but also with my colleague Senator Berube who

might also address this matter. This language was put in this amendment at the request of my colleague from Androscoggin, Senator Berube. She might want to address that issue in more detail. Thank you.

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

Senator **BERUBE:** Thank you Madam President. Ladies and Gentlemen of the Senate. To add further to this answer, if a victim is assaulted and feels that she or he needs counseling the money would be given to them based on the amount that is capped for the counselor or services. This is done so there is not a repeat of what we have seen so often in another program where counseling goes to \$75.00 and \$90.00 an hour. That was merely to make sure that the monies are not misused and certainly that would not preclude the victim from seeking counseling. Thank you.

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

Senator **MCCORMICK:** Thank you Madam President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. What do you mean by capped? What is the cap and where is the cap in this amendment? I think you have the presumption that contracting for counseling services is somehow not good, whereas, I think the original Bill had that provision to save money. You have a preferred provider and because you are dealing with them you get a better price on counseling. Is that what you are objecting to? Could you answer all those questions? Thank you.

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

Senator **GAUVREAU:** Thank you Madam President. Ladies and Gentlemen of the Senate. To respond to the series of questions posed by the good Senator from Kennebec, Senator McCormick, I shall try to answer but if I lapse in my response please remind me and I will try to provide further responses to your inquiries. The Board will, in fact, be allowed to establish rules as far as fair compensation is concerned. As I mentioned earlier, they can do that by setting a certain amount. They can say we will reimburse no more than \$75.00 per hour for counseling services up to a cap of whatever they decide is reasonable given the resources they have. It should be noted here that especially with victims who acquire mental health counseling, there is often a strong preference for a particular provider. It might not be actually all that workable to tell a victim they can receive counseling but only if they go to a certain provider. It is a very personal relationship between a mental health provider and his or her client. It may well be that the provider which is available to the victim might, in fact, not be suitable to the victim. It was thought, by me and others, that perhaps it is better to allow a certain amount of compensation and they can pick the provider of their choice. That was the intent in using this language in the amendments that would not allow the Board to provide volume services at a discount but rather to allow the money to go to the victim who in turn can choose his or her provider. Thank you Madam President.

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

Senator **MCCORMICK:** Thank you Madam President. Ladies and Gentlemen of the Senate. I guess I have another question. Thank you for answering my previous questions you hit every one. Are you

foregoing your earlier objections of the method of payment for the victims compensation fund? Before you wanted general taxation to be the method of payment and you objected to an assessment on felons Class B, C, and D. Have we won you over with the sheer force of our argument on this Bill? Thank you.

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

Senator **GAUVREAU:** Thank you Madam President. Ladies and Gentlemen of the Senate. I must say that I still harbor a strong philosophical antibeversion to the methodology deployed in L.D. 1384 fund to fund. At my age in life the age of 43 years, am apparently a liberal and believe in progressive means of taxation and I think I will till my dying day which may come sooner than I actually had planned given the nature of this particular biannual session. Be that as it may, I also have been honored the last two years in serving as the Chair in the Joint Standing Committee on Judiciary. Truly that is an honor for a practicing attorney and I take great pride in the work product of my Committee and the work of the colleagues with whom I work with on a daily basis. I am truly privileged to work with such fine men and women and I really mean that. I view it as my obligation to improve Legislation even if I, in fact, harbor significant philosophical opposition to it. I believe I have an obligation, in this Legislature, to craft Legislation and make it better even if I object to it. It is that capacity that I am offering this amendment. Thank you.

Committee Amendment "A" (H-965) As Amended by Senate Amendment "B" (S-599) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A Division has been requested.

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

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

26 Senators having voted in the affirmative and 7 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PRAY** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator **CLARK** to her seat on the floor.

Senate called to Order by the President.

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 Provide Community Rating of Health Insurance Providers

H.P. 507 L.D. 701
(H "A" H-1014; H "B"
H-1035 to C "A" H-1007)

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAWN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish to speak briefly on enactment, more brief than my good colleague behind me the Senator from Androscoggin, Senator Gauvreau. I was not here yesterday and I promise you I am not going into any long debate. You had that yesterday and it is my fault I wasn't here. I, for one, wish to be on the record as a person who came here and in the beginning was deathly opposed to Community Rating. In the beginning, the other members of the Committee will tell you that I was not going to budge at all. In my mind, Community Rating will not do what you are told it will do. I am very afraid of it. There are Bills in the Session, L.D. 701 is the one that frightens me to death and has from day one. I missed the debate and the Minority Report is gone. We have talked all day about negotiating and moving as we did on Bond Issues from one point to another. I feel very strongly that I have moved on this matter. I wouldn't support Community Rating at all and I moved to a Minority Report that would have been a compromise and would have allowed Community Rating eventually to be worked in. That is not before us and I ask for a Division. Thank you.

Senator **BRAWN** of Knox requested a Division.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a parliamentary question to the Chair or I would like to voice something that you need to say is ok or not. I would like to make a formal objection to the fiscal note on this Bill for the following reasons. The fiscal note was not put on in Committee and is therefore in violation of Rule 22 of the Joint Rules. The Committee did not get to discuss it. The second objection is the first paragraph of the fiscal note, the first sentence is illogical and untrue and contains a misstatement. I would like a ruling as to whether this invalidates the fiscal note? Thank you.

THE PRESIDENT: The Chair would answer in the negative. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I had a lot of calls on this issue and sometimes I wish I could serve on all the Committees so I would hear in public hearing and work session what the real workings or meanings are of Bills. My heart goes with the Majority Report which is what I was prepared to vote on yesterday. The calls I received since Monday, at home and here, for the Majority Report, most of them come from various groups. I have also received some yesterday and today from small business people in my District asking me to vote the Minority. At this point I don't know what to do. I have looked at the amendment and it deals with premiums. As you know insurance companies pay premium taxes on insurance policies they sell. It says here that the passage of this Bill will reduce the General Fund Revenue from premium tax collections by about \$192,000 annually effective fiscal year July 1, 1993. For the remainder of the 92 Fiscal Year it will be a loss of \$96,000. The reason I am on my feet is to find out if there is a loss of this premium tax, is anybody else going to pick it up? If so, would that add to the cost of the fiscal note? 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. First of all I would like to speak to the first issue which the good Senator from Androscoggin, Senator Berube addressed and that was hearing from some of the small business people. It is my understanding that the main opponent was the Maine Grocers Association. In fact, which I referred to that had been signed by John Joyce who is generally here and was all afternoon for the Maine Grocers Association. He assured me, this afternoon, that because of the sunset which is now on the Bill, the Maine Grocers Association have withdrawn their opposition. In the meantime they have phone banks going prior to their withdrawal of their opposition. You are probably hearing from people who not only had incorrect information but whose associations now have withdrawn their opposition.

Second that note which you saw was also before the sunset and has been questioned by many. There, in fact, may be an increase in the general because we can probably still expect premiums to rise in cost. Inflationary rate for health insurance costs has been doubled at normal inflationary rates. There is very likely there will be an increase to the general fund just for that reason. Those are the things I would point out to you. Thank you.

On motion by Senator **BRANNIGAN** of Cumberland, Tabled 1 Legislative Day, pending **ENACTMENT** (Roll Call Ordered).

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **TWITCHELL** of Oxford, **ADJOURNED** until Monday, March 9, 1992, at 10:45 in the morning.