

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

In Senate Chamber

Tuesday

March 10, 1992

Senate called to Order by the President.

Prayer by the Honorable Margaret G. Ludwig of
Arroostook.

SENATOR MARGARET G. LUDWIG: Let us be in the
spirit of prayer. Oh God of dust and rainbows, help
us to remember that if it were not for the dust we
could not see the rainbows. Amen.

Reading of the Journal of Monday, March 9, 1992.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Prohibit the Dismantling of
Products That Contain Hazardous Material near Water
Supplies"

H.P. 1463 L.D. 2075
(C "A" H-972)

In Senate, March 3, 1992, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-972)**, in
concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-972) AS AMENDED
BY HOUSE AMENDMENT "A" (H-1049)** thereto, in
NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Amend the Laws Governing
Emergency Medical Technicians"

H.P. 1491 L.D. 2103
(C "A" H-961)

In Senate, March 3, 1992, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961)**, in
concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-961) AS AMENDED
BY HOUSE AMENDMENT "A" (H-1050)** thereto, in
NON-CONCURRENCE.

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

Non-concurrent Matter

SENATE REPORTS - from the Committee on **HOUSING &
ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage
Private Sector Investment in Tourism"

S.P. 911 L.D. 2331

Majority - **Ought to Pass**.

Minority - **Ought Not to Pass**.

In Senate, March 5, 1992, the Majority **OUGHT TO
PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO
BE ENGROSSED**.

Comes from the House the Minority **OUGHT NOT TO
PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Clarify the Authority of the
Governor's Emergency Budget Curtailment Powers"
(Emergency)

H.P. 1718 L.D. 2403

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

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

Bill "An Act to Amend the Date for Compliance
with the State's River Color Standards"

H.P. 1721 L.D. 2407

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

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

Bill "An Act to Assist the State's Shellfish
Industry" (Emergency)

H.P. 1719 L.D. 2404

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

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

The Following Joint Resolution: H.P. 1720
**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND THE CONGRESS OF THE UNITED STATES TO
REINVEST IN HOMETOWN AMERICA**

WE, your Memorialists, the Members of the One
Hundred and Fifteenth Legislature of the State of
Maine, now assembled in the Second Regular Session,
most respectfully present and petition the President
and the Congress of the United States, as follows:

WHEREAS, the movement toward democratization in
Eastern Europe and the reconstruction of the Soviet
Union into the Commonwealth of Independent States has
been truly historic and promises to open a new
chapter between East and West as the current climate
in international relations is conducive to
cooperation and continuing the relaxation of
tensions; and

WHEREAS, traditional defense postures, strategies
and commitments should be reevaluated in light of the
change of events; and

WHEREAS, power in today's world is increasingly
measured in terms of a balance of economic,
humanitarian and military power and as during the
1980's, the United States was transformed from the
world's largest creditor nation into the world's
largest debtor nation; and

WHEREAS, the policies of the 1980's relied upon a
massive peacetime military buildup and a consequent
federal disinvestment in important domestic programs
concerning housing, economic and community
development, the environment, education,
transportation and the basic social and physical
infrastructure of our society; and

WHEREAS, local elected officials and state governments have consistently urged Congress and the Administration to set its fiscal house in order while balancing its budgetary priorities to address the crucial domestic needs of this nation and achieve significant reductions in debt and deficit spending and reasonable military spending without compromising our national military security; now, therefore, be it

RESOLVED: That We, your Memorialists, endorse economic diversification and conversion legislation and long-term national strategy that includes a comprehensive plan preparing defense-related industries, bases and laboratories to diversify and convert to civilian production with a minimum loss of jobs; provides economic adjustment assistance to workers and businesses in the defense industry; and provides grants to local and state governments to aid communities that would be severely impacted by cuts in defense expenditures; and be it further

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to reorder their budgetary priorities in a way that addresses the key urban and rural problems facing our nation, including a commitment to quality education, environmental protection, winning the war on drugs, economic health and opportunity, affordable health care and housing, infrastructure repair and maintenance and viable public transportation systems; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House **READ** and **ADOPTED**.
Which was **READ** and **ADOPTED**, in concurrence.

SENATE PAPERS

Bill "An Act to Improve Educational Public Broadcasting Statewide" (Emergency)

S.P. 945 L.D. 2409

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Senator **FOSTER** of Hancock,
Representative **CROWLEY** of Stockton Springs and
Representative **NORTON** of Winthrop

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on **JUDICIARY** Bill "An Act to
Enact a New Article on Negotiable Instruments in the
Uniform Commercial Code"

H.P. 1680 L.D. 2357

From the Committee on **LABOR** Bill "An Act to
Require Tentative Agreements to Be Considered a Part
of the Arbitration Panel's Binding Recommendations"

H.P. 1545 L.D. 2178

From the Committee on **TRANSPORTATION** Bill "An Act
to Amend the Fuel Use Tax to Provide Regulatory
Oversight of Over-the-road Transportation of
Hazardous Materials"

H.P. 1694 L.D. 2374

Leave to Withdraw

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

From the Committee on **TRANSPORTATION** Resolve, to
Stop the Full Expansion of Route 201 Pending the
Completion of a Regional Traffic Study (Emergency)

H.P. 1700 L.D. 2380

Ought to Pass

The Committee on **LEGAL AFFAIRS** on Bill "An Act to
Broaden Reporting of Persons Operating Vehicles under
the Influence of Intoxicating Liquor or Drugs"

H.P. 1691 L.D. 2371

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **BUSINESS LEGISLATION** on Bill "An
Act to Clarify Maine's Rent-to-own Laws"

H.P. 1594 L.D. 2248

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-1033)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-1033).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1033) **READ** and
ADOPTED, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An
Act Concerning the Authority of Podiatrists"

H.P. 1682 L.D. 2362

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-1059)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-1059).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1059) **READ** and
ADOPTED, in concurrence.

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

The Joint Select Committee on **CORRECTIONS** on Bill
"An Act to Authorize the Granting of Administrative

Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency Certificates or the Achievement of Functional Literacy"

H.P. 1544 L.D. 2177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1058).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1058).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1058) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Septage" (Emergency)

H.P. 1638 L.D. 2301

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1051).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1051).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1051) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse"

H.P. 1630 L.D. 2294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1041).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1041).**

Which Report was **READ.**

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

The Committee on **JUDICIARY** on Bill "An Act Regarding Recording Requirements for Proceedings Involving Real Estate"

H.P. 1512 L.D. 2124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1047).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1047).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1047) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Enhance the Operations of the District Court Violations Bureau" (Emergency)

H.P. 1602 L.D. 2264

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1057).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1057).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1057) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks" (Emergency)

H.P. 1522 L.D. 2151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1030).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1030).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1030) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Gambling" (Emergency)

H.P. 1685 L.D. 2365

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1056).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1056) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt Certain Municipalities from Interest Imposed by the State"

H.P. 1581 L.D. 2231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1039).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1039) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Enforce Registration of Motor Vehicles"

H.P. 1690 L.D. 2370

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1028)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1028)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1028) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Ensure the Retention of Utility Lines Crossing Railroad Property"

H.P. 1458 L.D. 2070

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1036)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1036)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1036) **READ** and **ADOPTED**, in concurrence.

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

**Senate
Ought to Pass As Amended**

Senator **KANY** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act" (Emergency)

S.P. 840 L.D. 2144

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-604)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-604) **READ** and **ADOPTED**.

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

Senator **RICH** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (Emergency)

S.P. 798 L.D. 1997

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-601)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-601) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-601).

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code"

S.P. 834 L.D. 2138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-605)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-605) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Provide Immunity to Nonprofit Institutions That Donate Surplus Food"

S.P. 846 L.D. 2150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-603)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-603) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Clarify the Enrollment Period for the 5-year Medical Liability Demonstration Project" (Emergency)

S.P. 879 L.D. 2251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-602)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-602) **READ** and **ADOPTED**.

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

SECOND READERS

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

Senate

Bill "An Act Relating to Legislative Confirmation Hearings"

S.P. 894 L.D. 2299

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

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

ENACTORS

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

An Act Related to Incineration Plants

H.P. 1059 L.D. 1548

(S "A" S-562 to C "A" H-879)

An Act to Prevent Certain Restraint of Trade Practices

H.P. 1291 L.D. 1866

(H "A" H-975 to C "A" H-919)

An Act to Clarify the Definition of Resident as it Pertains to Marine Resource Licenses

S.P. 800 L.D. 1999

(C "A" S-551)

An Act to Divert Juvenile Offenders from Secure Detention

S.P. 805 L.D. 2004

(C "A" S-556)

An Act to Permit the State Lottery Commission to Approve Promotions Involving the Use of Lottery Tickets

H.P. 1434 L.D. 2046
(C "A" H-936)

An Act to Require Reporting of Daily Routine Releases of Radioactive Materials

H.P. 1447 L.D. 2059
(C "A" H-939)

An Act to Allow Transfer of Commercial Moorings

H.P. 1450 L.D. 2062
(C "A" H-946)

An Act to Provide an Exemption to the Sunday Fishing Ban When a Storm Advisory or Storm Warning Is in Effect

H.P. 1452 L.D. 2064
(C "A" H-947)

An Act to Simplify and Reduce the Cost of State Mapping Efforts

H.P. 1455 L.D. 2067
(C "A" H-955)

An Act Regarding Loans to Stockholders, Directors or Officers of Financial Institutions

H.P. 1493 L.D. 2105
(C "A" H-938)

An Act to Amend the Motor Vehicle Salvage Laws

H.P. 1500 L.D. 2112
(C "A" H-928)

An Act Regarding Review and Evaluation of Proposed Mandated Health Legislation

H.P. 1504 L.D. 2117
(C "A" H-941)

An Act to Amend the Motor Vehicle Laws

H.P. 1526 L.D. 2155
(C "A" H-943)

An Act to Clarify Permit Provisions for General Commodity Vehicles with a Maximum Gross Weight of 100,000 Pounds

H.P. 1527 L.D. 2156
(C "A" H-952)

An Act to Amend the State's Oil Spill Prevention and Response Provisions

H.P. 1532 L.D. 2163
(C "A" H-971)

An Act to Permit Pari-mutuel Pools

H.P. 1549 L.D. 2187
(C "A" H-948; H "A" H-978)

An Act to Define Conflict of Interest for Probate Judges

H.P. 1552 L.D. 2190

An Act to Improve Disclosures of Automated Teller Machine Transactions

H.P. 1559 L.D. 2197
(C "A" H-958)

An Act to Strengthen Compliance with Land Use Laws in the Unorganized Territories

H.P. 1563 L.D. 2201
(C "A" H-954)

An Act to Amend the Laws Concerning Continuity of Health Insurance

H.P. 1565 L.D. 2203
(C "A" H-937)

An Act to Amend the Laws Governing the State Claims Commission

H.P. 1570 L.D. 2212
(C "A" H-942)

An Act to Clarify the Subdivision Definition under Maine Land Use Regulation Commission Laws

H.P. 1588 L.D. 2242
(H "A" H-960 to H "A" H-913)

An Act Regarding the Charter for Kennebunk, Kennebunkport and Wells Water District

S.P. 920 L.D. 2359

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

An Act to Amend the Laws Concerning Certification of Educational Personnel

S.P. 801 L.D. 2000
(C "A" S-558)

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

An Act to Amend the Maine High-Risk Insurance Organization Laws

H.P. 1417 L.D. 2029
(C "A" H-940)

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

An Act to Establish the School Construction Debt Service Limit for Fiscal Years 1994-95 and 1995-96

S.P. 821 L.D. 2115
(C "A" S-557)

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

An Act to Discourage Illegal Dumping of Waste

H.P. 1560 L.D. 2198
(C "A" H-962)

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

Emergency

An Act to Amend the Financial Responsibility Laws

H.P. 1462 L.D. 2074
(C "A" H-949)

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

Emergency

An Act Concerning the Stocking of Atlantic Salmon in Maine Rivers

H.P. 1471 L.D. 2083
(C "A" H-969)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED**

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

Emergency

An Act to Allow the State Harness Racing Commission to Adopt a Controlled Medication Program
H.P. 1475 L.D. 2087
(C "A" H-950)

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

Emergency

An Act to Authorize the Construction of Two Veterans' Homes in Eastern and Western Maine
H.P. 1553 L.D. 2191
(C "A" H-973)

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

Emergency

An Act to Create the Waterboro Water District
H.P. 1593 L.D. 2247
(C "A" H-959)

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.

Senate at Ease

Senate called to order by the President.

RECALLED FROM THE GOVERNOR'S DESK

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

Senator **CLARK:** Mr. President, is the Senate in possession of L.D. 2022?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been recalled from the Governor's Desk.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED:**

An Act to Clarify the Laws Related to Credit Cards
H.P. 1410 L.D. 2022
(C "A" H-895)

(In Senate, February 27, 1992, **PASSED TO BE ENACTED**, in concurrence)

(**RECALLED** from Governor's Desk, pursuant to Joint Order S.P. 944, in concurrence.)

On further motion by same Senator, Tabled 1 Legislative Day, pending **ENACTMENT.**

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

SENATE PAPERS

Bill "An Act to Finance Rapid Employment Opportunities for the People of Maine"
S.P. 946 L.D. 2410

Presented by President **PRAY** of Penobscot
Cosponsored by Senator **DUTREMBLE** of York, Senator **MATTHEWS** of Kennebec and Representative **KONTOS** of Windham

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**

On motion by Senator **DUTREMBLE** of York, under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Implement the Recommendations of the Advisory Committee on Medical Education"
H.P. 1722 L.D. 2408

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

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

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

SECOND READERS

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

House

"An Act to Broaden Reporting of Persons Operating Vehicles under the Influence of Intoxicating Liquor or Drugs"

H.P. 1691 L.D. 2371

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

House As Amended

"An Act Regarding Recording Requirements for Proceedings Involving Real Estate"

H.P. 1512 L.D. 2124

(C "A" H-1047)

"An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks" (Emergency)

H.P. 1522 L.D. 2151

(C "A" H-1030)

"An Act to Authorize the Granting of Administrative Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency Certificates or the Achievement of Functional Literacy"

H.P. 1544 L.D. 2177
(C "A" H-1058)

"An Act to Clarify Maine's Rent-to-own Laws"
H.P. 1594 L.D. 2248
(C "A" H-1033)

"An Act to Enhance the Operations of the District Court Violations Bureau" (Emergency)
H.P. 1602 L.D. 2264
(C "A" H-1057)

"An Act Concerning Septage" (Emergency)
H.P. 1638 L.D. 2301
(C "A" H-1051)

"An Act Concerning the Authority of Podiatrists"
H.P. 1682 L.D. 2362
(C "A" H-1059)

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

Senate As Amended

"An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code"
S.P. 834 L.D. 2138
(C "A" S-605)

"An Act to Provide Immunity to Nonprofit Institutions That Donate Surplus Food"
S.P. 846 L.D. 2150
(C "A" S-603)

"An Act to Clarify the Enrollment Period for the 5-year Medical Liability Demonstration Project" (Emergency)
S.P. 879 L.D. 2251
(C "A" S-602)

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Ensure the Retention of Utility Lines Crossing Railroad Property"
H.P. 1458 L.D. 2070
(C "A" H-1036)

Bill "An Act to Exempt Certain Municipalities from Interest Imposed by the State"
H.P. 1581 L.D. 2231
(C "A" H-1039)

Bill "An Act Relating to Gambling" (Emergency)
H.P. 1685 L.D. 2365
(C "A" H-1056)

Bill "An Act to Enforce Registration of Motor Vehicles"
H.P. 1690 L.D. 2370
(C "A" H-1028)

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

Senate As Amended

Bill "An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act" (Emergency)

S.P. 840 L.D. 2144
(C "A" S-604)

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage Private Sector Investment in Tourism"
S.P. 911 L.D. 2331

Majority - **Ought to Pass**
Minority - **Ought Not to Pass**

Tabled - March 10, 1992, by Senator **MATTHEWS** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, March 5, 1992, the Majority **UGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In House, March 9, 1992, the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

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

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

HOUSE REPORT - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse"

H.P. 1630 L.D. 2294

Report **Ought to Pass as Amended by Committee Amendment "A" (H-1041)**

Tabled - March 10, 1992, by Senator **CLARK** of Cumberland

Pending - **ACCEPTANCE** of Committee Report

(In Senate, March 10, 1992, Report **READ**.)

(In House, March 9, 1992, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDMENT BY COMMITTEE AMENDMENT "A" (H-1041)**.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1041) **READ** and **ADOPTED**, in concurrence.

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

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

Bill "An Act to Amend the Law Regarding the Responsibility of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (Emergency)

S.P. 798 L.D. 1997

Tabled - March 10, 1992, by Senator **CLARK** of Cumberland

Pending - **ADOPTION** of Committee Amendment "A" (S-601)

(In Senate, March 10, 1992, Committee Amendment "A" (S-601) **READ**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-601).

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

An Act to Amend the Laws Concerning Certification of Educational Personnel

S.P. 801 L.D. 2000
(C "A" S-558)

Tabled - March 10, 1992, by Senator **ESTES** of York
Pending - **ENACTMENT**
(In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED.**)

(In House, March 9, 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.

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants"

S.P. 829 L.D. 2133

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-610).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-610) **READ** and **ADOPTED**.

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

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

SENATE PAPERS

Bill "An Act to Authorize the Issuance of Bonds for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens, in the Amount of \$56,000,000"

S.P. 947 L.D. 2411

Presented by Senator **THERIAULT** of Aroostook (GOVERNOR'S BILL)

Cosponsored by Senator **COLLINS** of Aroostook Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

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

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Reported by Senator **COLLINS** for the Committee on **TAXATION** Bill "An Act to Require That Sales Tax Exemptions and Tax Credits Benefit the People of the State"

S.P. 940 L.D. 2402

Reported by Senator **COLLINS** for the Committee on **TAXATION** Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (Emergency)

S.P. 943 L.D. 2406

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage Private Sector Investment in Tourism"

S.P. 911 L.D. 2331

Majority - **Ought to Pass**.

Minority - **Ought Not to Pass**.

Tabled - March 10, 1992, by Senator **MATTHEWS** of Kennebec.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 5, 1992, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In House, March 9, 1992, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**)

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

On further motion by same Senator, Senate Amendment "A" (S-611) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Bill "An Act to Finance Rapid Employment Opportunities for the People of Maine"

S.P. 946 L.D. 2410

Tabled - March 10, 1992, by Senator **DUTREMBLE** of York.

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

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

(In Senate, March 10, 1992, **READ A SECOND TIME.**)

On motion by Senator **THERIAULT** of Aroostook, Senate Amendment "A" (S-608) **READ**.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment before us represents a more moderate amount of Bond. The total amounts that is proposed here are \$56,000,000. There are two amounts in the Bill. One is for \$46,000,000 for Transportation and the other portion is for general projects and municipal infrastructure which has been reduced to \$8,000,000. There are some among us that say there are games

being played here with this Bond Issue. I do want to put the record straight, as far as I am concerned. As far as I know my crystal ball is just as good as any of yours. The total amount that this should be, nobody really knows. All I know is what I have had to live with back home. I had occasion recently to be associated with three different groups of my constituents. One of the groups was about one hundred people. They were asked if they would support such a Bond Package that is before us today. Of the one hundred people about five hands went up in support of the Bond Package. Subsequent to that, I attended two other meetings. One had forty people attending and the other had about thirty people. In both of those meetings not one hand went up in support of this Bond Package.

I remember last fall when we had the Bond Issues, my local paper polled all the Legislators in the reading area. If I remember correctly I voted for all of them. My constituents were not very happy with me. I heard from several of them asking me what are you people up to down there? Don't you understand what is going on in this State? Why did you vote for that Bond Issue? When I came here last week, I was going to vote for no Bond Issue because I don't believe my constituents would support any Bond Issue. Because of the debate, I was convinced maybe we should have a smaller amount. That is what is before us right now. Even with this amount I am not sure how my constituents will accept it but I am willing to risk it at this point.

We have to remember that the people who will vote on this Bond Package, most of them are already employed. They know that in time it will be the tax dollar that will pay this back. I have a listing here of some of our obligations. Presently we have \$431,000,000 in Bonds plus another \$91.3 million that are authorized and will be issued shortly and this amounts to \$422,000,000 that the State owes. In addition to that we have other obligations that I think we are not talking about and maybe some of our constituents don't even know about them. I am going to go through the list. The Maine Municipal Bond Bank \$694,000,000, Maine Health and Higher Education Facilities Authority \$315,000,000, Maine Court Facilities Authority \$15,000,000, Maine Public Utilities Financing Bank \$10,000,000, Maine Education Loan Authority \$35,000,000, Certificate of Participation, a new discovery we have made recently, \$33,000,000, and Maine State Housing Authority \$1,000,000,000. The total State debt obligation to Maine taxpayers and our generations to follow amount to \$2.6 billion. I need to remind all of us that last year we didn't pay off any of our Bonds. We even refinanced \$43,000,000. We can't even pay off what we presently owe.

I think that a \$56,000,000 amount is more reasonable and I am not playing games. I am presenting an amount that I think might make it. Based on what I have heard back home, this also will be defeated. I urge you to adopt this amendment. 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 don't want to talk about games, I want to talk about the Bond Issue that is before us that has been slightly delayed because of this amendment. I would like to point out that this amendment came out from the good Senator

from Aroostook, Senator Theriault and I am sure his efforts are sincere. However, I would like to point out to everyone in this Body that the Committee on Housing & Economic Development, again, worked on this Bond Package with members of the administration including the DECD, FAME, the Jobs Commission, so we are talking about all this consensus work that was done to come out with this package of \$90.3 million. There is no question that if we all try to find a particular part of this Bill we don't like, I am sure we will find it. One of the portions I didn't like was the recall provisions. I see that has been eliminated by the good Senator from Aroostook, Senator Theriault. However, that was part of a compromise. I will stand here and defend that portion of the Bond Issue that deals with recall because there are people in this State who work for employers who will loose their jobs if we don't do anything. When you talk about eliminating recall with this amendment you are talking about ignoring that particular part of the problem. We agreed through compromise with partisan involvement, to come out with the Bill that we came out with. I say we can be here forever. We went through this thing once before not too long ago when we had to address every individuals concerns instead of building a consensus amongst all of us which is what that \$90.3 million is.

I understand peoples concerns about going to Bond Issues and what the people are saying about that. We are not passing a Bond Issue. We are passing a Bill which will allow the people of this State to determine whether or not this Legislature had a decent idea or not. They will give the stamp of approval on two separate questions. Maybe peoples minds have changed and maybe they have not. All these groups we are getting letters from supporting the original package and all these people who seem to have an interest in invigorating our economy are saying to us yes you are on the right track. For some reason that is being ignored. Those are the people who are going to make the decision if it goes out to referendum. That is democracy. The democratic way is to let the people have the opportunity to vote on it.

It would be very easy for me, as well as many other people, to say let's just let it go. Let's let it die one way or the other. I don't think it will hurt anyones reelection. Have we shown the leadership at a time when the people of this State need it the most? I don't think so. For that reason, I think this amendment, which lowers the amount of money, will not do enough to invigorate this economy and should be killed. Again, I understand where the Senator from Aroostook, Senator Theriault comes from. I hope he understands all the other people who worked on this and where they came from and why it is difficult to go lower in these difficult times. Thank you.

Senator **DUTREMBLE** of York moved that Senate Amendment "A" (S-608) be **INDEFINITELY POSTPONED**.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to echo my colleague the good Senator from York, Senator Dutremble in urging this Body to indefinitely postpone this amendment. I would like to make a couple of points with respect to the amendment offered by the good Senator from Aroostook, Senator Theriault. In his remarks to this Body, he mentioned

that those that don't support the Bond Package, 90% of them are employed. I guess I must take that statement for its meaning that now there is a distinction with the Bond Package that we are talking about two separate groups here, the employed and the unemployed. The good Senator from Aroostook, Senator Theriault should know that many of those people that are now unemployed were employed at one time. Now that we have a recession and an economy in trouble they find themselves joining the ranks of the unemployed. This is not through any fault of their own. I take strong exception to the tenor of that remark.

When we got here this Session, we were amidst a recession that all of us were concerned about. We had bipartisan support to try to deal with that recession to send out a package to the voters in April. When the good Senator from Aroostook, Senator Theriault talks about \$90,000,000, let's not also forget to mention that we are talking about two questions for the voters to decide. One is a Transportation Infrastructure Package and the other is a Municipal Infrastructure Package. It is easy to play semantics. It is easy to play political games but it is hard, in this Body, to do what is right. I hope this Body will reject this amendment. The process has worked up until this point and people have been included. The good Senator from Aroostook, Senator Theriault could have come to the Committee on Housing & Economic Development and shared his concerns but he chose not to. I am saddened by this amendment and I am saddened by the tenor of the remarks of the unemployed verses the employed. I have been around and I know what code words are all about. I don't like them. Thank you.

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

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I was misunderstood as to what I meant by that statement. If I offended anyone I certainly apologize for that. What I meant by that statement was that those people that will be voting, most of them are employed. That would make a difference as to the outcome of the voting. I don't know if those people that are employed would be so inclined to vote for the Bond Package and that is what I meant when I made that statement. I certainly did not cast any shadow on those that are not working. I have been there myself. 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'd like to commend the good Senator from Aroostook, Senator Theriault for bringing this amendment to the Body for a vote. It is unfortunate that this process couldn't have worked differently. A month ago I sat downstairs with leadership and the Governor and suggested that a \$90,000,000 was not going to pass. I didn't feel there was enough support for it. I thought we should all sit down and reach an agreement as to what would be the most appropriate level of funding to get something passed. It didn't happen and so we are at this point. I do appreciate the Senator from Aroostook, Senator Theriault bringing this measure to us.

I think it is also important that we give the rest of the story. This Bill that is currently before us, if we were to enact it without amendment,

one of the things we would do is approving a \$30,000,000 infrastructure to municipalities which would go through DECD which is a bureaucratic agency here in Augusta. Some bureaucrat would decide how that money was spent. I have in front of me a list of proposed projects that we might spend it on. If this doesn't fit into the line of pork barrel, nothing ever will. We can construct a commercial space, parking garage, a municipal auditorium in Civic Centers, expand a nursing home facility, we could replace a swimming pool in Bangor, we could add an addition to a public works building, we could create parking lot construction, street light replacement and tennis courts. Let's talk about tennis courts. We could construct two softball fields, tennis courts, and waterfront park construction. Ladies and Gentlemen, the voters are not going to buy this. I can assure you, if we were to pass this under some miracle, than I would be one of the people out there telling the people of Maine this is not something we should consider. I will grant you the bureaucrats at DECD might not decide to build a tennis court. The thought of it is frustrating and disgusting to me.

It seems to me that we all ought to work together if everybody is sincere about it. I keep hearing how people want to work together but nobody seems to be bringing forth a proposal or willing to talk about how we can reach an agreement. I think the good Senator from Aroostook, Senator Theriault has offered a proposal that we ought to embrace. Common sense tells us the people of this State would like to fix roads and bridges that need to be fixed. I don't have a problem with a smaller Bond Package if it is something the people will buy. I think the people of this State realize that during these times to borrow money to fix things that need to be fixed. We do not borrow money, against my children, to build tennis courts. I suggest that even though it may not happen it could under this proposal as presented by the wish list from some of the communities of the State. Ladies and Gentlemen of the Senate, the people of this State won't buy this and it is unfortunate that these kinds of things are before us. I believe it is time that we move on and reach an agreement. This proposal seems sound and I would urge your endorsement of this amendment. 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 Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess it is not the first time we have heard about the tennis courts and swimming pools. I think we all know that is not on the list. We have to continue to get up and catch these red herrings as they are floating by or pull down these red flags as they come up. The good Senator from Franklin, Senator Webster knows that when the Jobs Commission was working on the issue they sent out a questionnaire to municipalities asking what available work would they have done. Is there enough money up there to put an issue out to Bond so there would be work? About \$180,000,000 worth of projects came back. There may have been a swimming pool and a tennis court but I would like the good Senator from Franklin, Senator Webster to go through the rest of the list now. Just for the sincerity that he pledges to have. I am talking

about the sewer projects, the roofs on dilapidated buildings, construction and repairs to the infrastructure. I think it is important that we also go through the whole list, not just what will be in the paper tomorrow.

We keep saying we want to be sincere. We keep hearing these red flags that are coming up that don't have any place in this. I don't think there is a person in this world who is going to say yes go out and put a swimming pool in and the good Senator from Franklin, Senator Webster knows that. He is not trying to win the amendment passage here, he is trying for something in the paper tomorrow. There is no question that the quotes about the swimming pools and tennis courts will be in the paper tomorrow. Let's get back to the Bond Issue and the fact that there are people who need jobs out there. We need approximately 5000 jobs. No we are not sure if its going to be 4500 or 5000 jobs but it is a job. This is a jobs Bill and you have voted no on it enough times. It is time to start voting for jobs for this State. 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. This is a Bond Package. I would encourage you to support the amendment that is before us and for me that is not a decision that I have made lightly. I originally supported zero money to be Bonded for reasons I think we have talked about endlessly over the last week. One, I believe that the people spoke loud and clear in November when they rejected five out of six of the Bond Issues that were before us. Two, because I think we are in a financial time where it would seem the right thing to do would be to borrow money and get us out of this recession. I ask you if that is actually what this would do? Would this really do that. If you can visualize a chart in your head, I can see that this Bond Package would have a blip in the chart. It would go up. What happens if we don't? What happens if we don't come out of this recession when it comes time to start paying back principals and interest. I see that blip going way down below where it is now and the line being below where we are now. That money is going to have to come from somewhere and it is going to have to come from the general fund which means there will be less money to spend on education, human service programs and there will be less money to send back to municipalities. I think we could be putting ourselves in a very precarious situation.

I was a member of the Committee and I have admitted that I am not as good as a member as I would like to be at times. We talked about compromises and it being a joint decision. I have asked a question and I really haven't received an answer. I'd like to know who made the decision to clump the highway portion and the municipal portion together? Who made that decision? I was not asked my opinion, ever regarding that decision. Maybe it would make a difference on whether this Bond Issue was passed today. I started at zero, but I am not an unreasonable person, and I would be willing to go to an in between figure on this Bond Package. Somewhere between where we started at \$106,000,000 and zero. I think the package before us is that in between. I appreciate the opportunity to be able to vote for this. 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. In response to the question from Senator Cahill of Sagadahoc, I can only tell you that in the Committee we asked for consensus on the issue about one Bill. Two Committees were working on the total package and there was a consensus among the members of the Committee to put one Bill with two questions out to the voters. That makes sense and it is economical. We have been talking about this package from the beginning here. The other question the good Senator from Sagadahoc, Senator Cahill raises is what happens if we don't get out of the recession. I am glad she asked that question because I don't think it got mentioned in this debate and I take fault for that. One important factor that has not gotten a lot of mention here is that with this job creation package is the impact and the signal it sends to the consumers and citizens of Maine. We know, from the business and industry side of things, that consumer confidence is important. What people are thinking, back home in their communities, is important. The signal that you send by sending out this package that is a responsible hard work package of compromise, is that the Maine Legislature and the Governor care. Democrats and Republicans care about the economy. They are there trying to do something about the economy and the unemployment problem. You bolster consumer confidence. All you have to do is turn on the news every evening, the President and the whole country are talking about rejuvenating the economy and trying to end this negative thinking to get the economy going and to get consumer confidence up. That is what we do with this package.

When you disseminate the process and offer the amendments like the amendment that has been offered here today, what you do to that consumer confidence is throw it right out the window. You can forget about the rebound affect of stimulation because you are not going to get it with this amendment or this ill-fated attempt. That won't do it. The business community tells us that and the economist have told us that. Everyone has come to the Committee and said this is a jobs creation package. An infrastructure package that deals with the problem, the whole problem. I cannot believe what I am hearing here today. I can not believe it. In response to the good Senator from Franklin, Senator Webster, it was the Governor's Office, the Commission, and others that asked for that information from the communities. The whole group said what can you give us about projects that are ready. When you mention, on the floor, only the partial list of things like the swimming pools you certainly leave a real bad message. I don't want the municipalities to have that message left as it is. There are sewer projects in here, there are fire station remodeling in here, there is City Hall remodeling in here, and there are good, hard working public infrastructure improvements in the package. We left it that the towns should have an opportunity to put some projects together that would help create jobs and build the infrastructure in the State. Don't give a partial list, it is unfair to the municipalities in this State. This is a good job creation package, the one we have an opportunity to vote on. This is an ill fated attempt to end run the system that won't do anything for infrastructure that is being proposed. I urge you to indefinitely postpone it. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to rise to show my support for a Bond Package. I think maybe my reasons might differ from some of the others. I am very pleased to note that some other Senators are now moving from zero towards agreeing on a Bond Package. My support, basically is, that we still do not have the right to say how the voters are going to vote. We have two Bonds out there. They can vote for one or the other. They can vote for none or they can vote for both of them. I don't believe it is our position to say that the public does not want to vote for the Bonds. Perhaps they don't but they might. I spent a lot of time around town, Saturday and Sunday, and the feeling was they didn't want to vote for the Bonds but when I explained my position they said you are right, give us the chance to vote. The other reason is that a lot of this Highway Bonding is something that is going to have to be done sometime in the future. I really feel that right now with the way the interest rates are, it would be a cost savings in doing it now. I do have a reservation with this amendment. I really do not think there is enough money in this amendment. I will be voting against this amendment. 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 make one point. My math may not be that good but I have a question. If we were to pass the Bond proposal without this amendment, it would seem to me that we would have to come up with about \$20,000,000 in the next budget just to meet the interest principal to pay back this Bond. We would have to do this over a two year budget cycle, we are talking about \$20,000,000. I wonder how this Legislature can do that without raising taxes considering it is unable to balance this budget and it wasn't easy for us to come up with the \$750,000 hole we tried to fill two weeks ago. It would seem to me that the voters will look at this and say if I vote for this I will force the Legislature to try to find \$20,000,000 next year. The concept of a \$90,000,000 Bond Package is a feel good thing for Legislators. Frankly, I think it is a way for a lot of politicians to go home and say we did something to help you. Maybe at election time they will think we are doing a good job. It is an expensive way to impress voters. It surely isn't something we ought to be doing. I stand by my comments about swimming pools and tennis courts because that could be considered. We hope that won't happen. I would think somebody ought to be questioning whether we are the Federal Government. If the Federal Government wants to throw money around through block grants, that is one thing. To have us borrow this money and give it away, you might question whether that is the best possible use of our money. Especially since the municipalities of this State aren't going to pay for it, we are. The taxpayers are going to have to pay for it. It seems to me that this proposal is sincere and this amendment is sincere. It deals with what is really important and that is fixing up the roads, railways, bridges, and sewers. Some of the proposal in the \$90,000,000 don't make sense to me and we should not be endorsing it. I ask you to support this amendment as presented. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to whomever may be able to answer it. What is the date set in the Bill and amendment for the referendum to be held?

THE PRESIDENT: The Senator from Androscoggin, Senator Cleveland has posed a question through the Chair. The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Bill still has an April 14, 1992 date on it. I believe that is going to have to be amended so that we can have this referendum at the same time as the primary. We have really lost the window of opportunity for the first of what we had hoped it would be. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think we have lost our opportunity. If we are now required to put this out for referendum in June for this amount of \$56,000,000, we are really too little, too late. By the time the Bonds are issued, the paper work is done, contractors are hired, and all of that procedure, we will have missed most of the construction season in this State. Particularly the construction season in the Northern part of the State. I think what we are talking about now is no longer a jobs Bill or an opportunity to jump start the economy, we missed that opportunity. We are talking about an infrastructure Bill. If that is what we are talking about, at this point, I think we ought to face reality and put together a Bond Package, send it out in November and do our usual infrastructure package. We have missed it and we can't undo it. It is too bad, but I think that is the reality we are in. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **DUTREMBLE** of York, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-608).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT** of Senate Amendment "A" (S-608).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **RICH** of Cumberland who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **BALDACCIO** of Penobscot who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE**, **BOST**, **BRANNIGAN**, **CARPENTER**, **CLARK**, **CLEVELAND**, **DUTREMBLE**, **EMERSON**, **ESTES**, **ESTY**, **FOSTER**, **GAUVREAU**, **GILL**, **HOLLOWAY**, **KANY**, **MATTHEWS**, **MCCORMICK**, **MILLS**, **PEARSON**, **TITCOMB**, **TWITCHELL**, **VOSE**, **THE PRESIDENT** - **CHARLES P. PRAY**

NAYS: Senators **BRAWN**, **CAHILL**, **COLLINS**, **LUDWIG**, **SUMMERS**, **THERIAULT**, **WEBSTER**

PAIRED: Senators **BALDACCIO**, **RICH**

ABSENT: Senators **BUSTIN**, **CONLEY**, **GOULD**

23 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators having paired their votes and 3 Senators being absent, the motion by Senator **DUTREMBLE** of York, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-608), **PREVAILED**.

On motion by Senator COLLINS of Aroostook, Senate Amendment "B" (S-609) READ.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I offer this amendment as a legitimate concern for the eventual passage of a Bond Proposal. I think most of you know that I frequently seek the middle ground. I make no apologies for that. I am offering an amendment that does three things. It reduces the municipal infrastructure account from \$30,000,000 to \$15,000,000. It eliminates the economic program recovery account of \$7,000,000. It reduces the Highway and Bridge improvement account by \$5,000,000. The net result of those deductions would yield a Bond Issue Proposal of \$63.3 million.

I'd like to recall, for a minute, some of the concerns that all of us have about this whole proposal. You will remember that the point has been frequently made that we must make this work in order to generate the funds for State Government to pay for it. I think several people have pointed out, in the course of debate, that it is necessary to generate about \$10,000,000 a year in order to pay for debt service on this. If these things don't happen in a fashion which improved the economy and generated new tax dollars to that extent, then it doesn't work. It is a quick fix and an unsatisfactory fix. Having said that, I think it is worthwhile to take a chance that it might help. I don't think it will help a lot, but it might help some. It takes the resources of the Federal Government plus a turn in the business cycle to get out of a recession. Government can't do it alone, particularly State Government. This might play a part. For that reason, I am willing to support a Bond Proposal.

I'd like to mention, in particular, one item that I removed and tell you the reasons I removed it. That was the part that dealt with the so called recall, high risk, business loans of \$7,000,000. The good thing about that part is that if it works it makes a business whole to the extent that it either continues jobs or even possibly increases jobs. That has some merit were it to happen in that fashion. The reason I removed it is because I think the Small Business Administration is going to provide a substantial number of millions of dollars in the northeastern part of the Country to do exactly that same thing. If that is the case, we don't need that in our Bond Package. If it is not the case, I would have left it in so this Bond Proposal would be \$7,000,000 more. I think they have in excess of \$30,000,000 that may end up for exactly the same purpose for the State of Maine. I would much rather that that be funded from Federal sources than from State of Maine sources.

I think we have all been criticized by one side or the other for our particular approach to this Package. I would like to suggest that nobody is absolutely sure they have made the best judgement call. We have all listened to economists and business writers. We have consulted with our own people, both in administration and in these Halls. I am sure the Committee that worked this Bond, worked it carefully and with the idea that they could produce a satisfactory Bond. I admire them for their persistence and their work. I don't think anyone is absolutely sure that they have the right answer. I happen to disagree that it is too late to do this. I

think this can still be put out to the electorate in the month of April. If things moved rapidly, some of these things could happen. I approve of the part that relates to the infrastructure in the towns and cities, relative to water and sewer projects. I think those are important. They are things that we have been working on for 29 years. The last time around, the public did not buy the Bond Issue relating to that area. Maybe they will this time. We have consistently supported highway construction in this State. I think there is some possibility that it could pass in this Bond Issue. I am absolutely supportive of that. I offer this amendment as an alternative to the high side, a departure up the scale. I looked at it as the equivalent of a \$70,000,000 Bond Issue even though the numbers would add up to \$63,000,000. I hope you will not reject this but you will realize that there are those of us who have different, honest opinions from those who promote the high side of a Bond Issue. We are still anxious to reach an agreement and I hope you will consider that this offer does that. Thank you.

Senator DUTREMBLE of York moved that Senate Amendment "B" (S-609) be **INDEFINITELY POSTPONED**.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to stress, once again, we are sending out if it ever passes, a \$90.3 million Bond Issue that is separate. People will have two questions to vote on. If they want to support the Highway and Transportation issue they can. If they want to support the Infrastructure portion, they can. We need to allow the people of the State of Maine to have that opportunity. There is absolutely nothing wrong with that.

I want to point out one thing. Last year, while we were in our process of our budget, I remember that John Roberts in the City of Biddeford was going under. They needed a little money to try to save it. All they needed was about \$25,000 so they could set this plan Bond. We went through FAME and the Governor and we found the money. In one of the budgets 400 jobs were saved because of that. That is what we are talking about here. We are talking about saving jobs. Again, this is a jobs Bill. The good Senator from Franklin, Senator Webster said this is a feel good Bill. You are right, I feel good about creating 5000 jobs. 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'd like to pose a question through the Chair. The good Senator from York, Senator Dutremble mentioned that on the ballot there would be two issues that could be voted on. I would like to know why we can't vote on two issues? Why can't we do that and pass the Transportation end of it and get those out to work because we are on short time. If we can get the Transportation portion passed, then perhaps we can come to some sort of accommodation on the other side of the issue. I would like to know if it is possible to separate the two? 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 think that question has been answered at least four times. I

will answer it one more time. Originally, this was a Bond Package and it was sent out to the individual Committees to work on. It came back and at some point it was thought the Highway portion would pass a lot easier than the infrastructure issue so as to not jeopardize the whole issue we separated the questions. That is why that was done. Frankly, you are asking why isn't it done here, because the people of the State of Maine would never have the opportunity to vote on it. Thank you.

Off Record Remarks

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. During the previous debate, the good Senator from York, Senator Dutremble talked about what the press will write tomorrow. He said they will write about swimming pools and tennis courts. I hope there is one more thing they will write about and that is if this amendment fails and subsequently the Bond fails, I hope the press writes that this process didn't work. I hope they write that there is a philosophy here that you take it my way or no way. I hope they write about the fact that some of us have been talking for weeks about the need to work together. There are those who say take it or leave it. I suggest that when the press writes, they ought to write about that. Politics is the art of compromise. A lot of us here are not going to buy this large \$90,000,000 Bond Package. I suggest the press ought to write about that. They ought to say there is one group of people in Augusta who are telling the citizens of Maine that you take it my way or no way. I can tell you something it isn't us. We have been trying from day one to reach an agreement that was less than this amount that this current Bill is offering. Many people of my caucus say they don't want anything but maybe we will go to \$50,000,000. If this amendment fails and we have another vote, no one here should be surprised at the outcome of that vote. 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 to respond to the good Senator from York, Senator Dutremble in reference to his remark that if two Bond Issues were separated, they would not pass at all. I beg to differ with him on that. I do believe one of those Bond Issues would pass very quickly. I feel very strongly about my good friend from Aroostook, Senator Collin's amendment. I sincerely believe that Senator Collins and many of us in the Republican caucus feel very strongly about coming to some sort of compromise. I think that is a very sincere, significant, first step in the process. I don't think there is any question that we need to move rapidly. I am hoping that we are not going up against the stonewall that I think we are at this point.

I have heard a lot about that this is a good time to borrow money. It is a good time to do this. I can go down to my District on the Saco auto mile and all those people down there will tell you it's a good time to buy a car. Eventually, you have to pay for it. If you don't have the money, you can't pay for

it. If you are going to talk about things that need to be done, our infrastructure and so forth, then fine. I can come to accommodation on something like that. I am concerned because I don't think this is going to happen. I am also concerned with the cost of putting this question out to the voters. There is a \$1,000,000 cost just to put this question out. Everything that we saved cutting every aspect of State Government is going to be eaten up in the next budget in terms of costs for these Bonds. We still haven't done anything to improve the business climate of this State or Worker's Compensation. We haven't done anything to make it attractive for business to come in here. The people of this State, I really don't believe, want more debt. What they want is jobs. Those jobs must come from the private sector. It has to be more attractive for people to bring jobs in. I have carried on long enough. I do hope the Senator from Aroostook, Senator Collin's amendment is taken seriously because I know there are those of us who would support such an issue. Thank you Mr. President.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would urge you to vote in opposition to this amendment. There are a couple of things I think need to be cleared up. Last Friday afternoon, I talked about my meetings with businesses in my District about the impact of recall and the credit crunch over the last several months. They have been working with the SBA. I have talked with Senator Mitchell's Office. Last week I talked with Tom Andrew's office and they said there is no assurance there is any new Small Business Administration funding coming out of Washington, in this current session. What currently is available through the SBA, is a loan guarantee. That loan guarantee will not solve the problems created by recall and the credit crunch at the Banks. Businesses and the SBA need other sources of direct loan fund if they are going to be able to help some of the thousands of small businesses that are currently in trouble. That \$7,000,000 will provide a pool of money that the local businesses in need and the SBA can access.

I think there is misinformation about putting two questions out to the voters which has been said will cost the State \$1,000,000. I think the figure is more like half of that, if not slightly less. I need to say that, again, we seem to be coming back to this Bond Package as if it is the only thing we can do and will do this Session. I believe that I issued a challenge to members of this Body, that I have a whole host of things that could be part of an action plan. I would be willing to sit down and share with them and see if we can come to some areas of agreements and maybe push those.

Housing & Economic Development will be meeting tomorrow and talking about a Technical College package that will fill 4000 jobs out there that are crying for technically trained workers which the State does not have. A Package that cost under \$10,000,000 and would repay itself in taxes to the State in three years. They are going to be talking about a November package that will help to guarantee more sustainable economic recovery over the long term. I would be very glad to sit down and talk with people to share what I have put down as a viable action plan. Some of the things we must do before we

leave here at the end of the month. Some things I think we must sow so the next Legislature is taking appropriate steps.

Quite frankly, we missed the boat last June. It got down to the point, in June, that all we wanted to do was to balance the budget and get out of here. Then that became impossible because we had a budget that was linked to Workers Compensation Reform. We consumed ourselves for almost three weeks in July to the utter disgust of the people of this State. In May and June, I worked with the Housing & Economic Development Committee and we tried to promote an economic development package that was pushed off to the side and said forget about it we will come back next year. People are talking about the paying off of a \$90,000,000 Bond Issue. They are saying they are compromising themselves up. I compromised myself down from the \$106,000,000. I followed the Housing & Economic Development Committee and I could have seen good reason for a few more million dollars. A good one that would have been in there would have been the Seed Program that this Legislature passed last year and handed over to FAME without any monies. Actually it was the HELP Program. The Higher Education Loan Program which is a loan of last resort. Look what we have done. We have raised tuition at the University by 51% over the last two years. \$5,000,000 would have been saleable to the people in terms of providing individuals with financial aid to have access to higher education at the Technical College and University level. Believe me that is the cornerstone of our economic recovery. When the budget comes out and you see what we are doing to public education, in the State of Maine, it should make you weep. If we have 5000 jobs that are created by a \$90,000,000 Bond Package, we are talking about a positive income multiplier in those areas of the State where work is going to be started in the summer or fall. Some of the figures that are around is that for every dollar that we spend, it could have a multiplying affect of between two dollars and two dollars and forty cents for the local economy. Those people will be paying taxes and will be coming off unemployment. They will be coming off general assistance. There is a savings as well as an expense. I urge you to support the motion for indefinite postponement. I would urge you to support the full package when that comes up for a vote. Thank you.

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

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have avoided engaging in this debate because I am not as well versed as some of my colleagues on this Bond Package. I have, over the last ten years, become somewhat well versed in the process. I can sense political hyperbole when I see it. I can see raw political posturing when it is presented to me. This is what we are facing here this evening. Had they not taken the wrapping off the windows here to let the chill through, I would think we were back last July. The same dynamics are at play, the same players, the same motivation, and the same political agenda. I could care less what the headlines read tomorrow or who gets their sound bite in. We could conjecture about that all evening. The Senator from Androscoggin, Senator

Cleveland said, so appropriately several minutes ago, that we have truly missed a window of opportunity here. We have done so by design. It is not the intent, in my estimation, of the Minority in this Chamber to pass a Bond whether it be \$50,000,000, \$75,000,000 or \$100,000,000. It is the motivation to drag this out and create as much political carnage in the process as is humanly or politically possible. That is the agenda, make no mistake about it. I resent it and I am getting tired of it. I feel like we are wasting our time and our taxpayers money sitting here debating this because it is fruitless. It is playing into a transparent agenda that is replaying itself and will in all likelihood replay itself before we adjourn, presumably at the end of this month.

I have heard several people make mention about compromise. We all may have various definitions about what compromise is all about but I know in the political process, true compromise is not reached through amendments. Compromise is reached through good faith efforts outside this Chamber, either in Committee or in small group discussions with varying parties who may disagree on various aspects of an issue. They pull together or they inevitably do not pull together but it is not done by amendment. We could be here until June trying to negotiate by amendment. I just asked the good Senator from Kennebec, Senator Matthews whether, in the interim, any of the sponsors of the two amendments that we have dealt with had approached him to discuss this matter. The answer, predictably, no. How far are we going to go in this process? How much longer are we going to let this drag out? We are wasting our time. 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 am very, very, disturbed that we are here on March 10, 1992 at 5:30 p.m. and the window of opportunity has long since passed. Those that are offering the amendments, we have missed April. A jump start to the economy and getting it into the construction season is gone. This was one of the beginning pieces to get it through the process in a bi-partisan, non political way. I really thought we were going to do that. Let's deal with fact. We just needed two-thirds, we were one vote shy. Now we have the list of amendments coming forward. On these particular amendments no mention was made for my feeling about them. On different numbers, I have had a whole bunch of suggestions. That is the problem with this kind of last minute charade. There is a lot of disturbing things that have happened in this debate. Most importantly, we didn't do what we set out to do in a bi-partisan way because twelve members of this Body stymied the process. Last week, I was approached by the good Senator from Franklin, Senator Webster and was told if I got up on the record and further debated this issue, the two members of his party would jump ship. I don't know what that means but the people have a right to hear the debate. The people have a right to hear the positions and why someone votes one way or the other.

I oppose this amendment for a whole bunch of reasons. I must say that the Committee dealt with the issue of job retention as well as job creation. It seems to me it would be a common sense opinion. The Committee is not going to simply look at those

businesses that are hanging in the balance, 1200 of them. They are not going to look at what the SBA may do for the next six months while businesses go under. We compromised, in the Committee, from \$20,000,000 to \$7,000,000. A modest approach to help some businesses make it. This amendment takes that out and I think that is crazy. Whenever this goes, if it had the support which I hope it does not, it seems to me to be absolute ridiculous to do nothing about the jobs that are hanging in the balance. We hear about those companies going out everyday. These businesses need more than a loan guarantee and some pie in the sky promise. It is really unfortunate. I really believed in my heart that we had reached a bi partisan compromise package that would be supported. One vote stymied the process and the April window is shut. We are now looking at June and I am not so sure that this whole jump start effort has been thrown out the window. How unfortunate that is. I didn't do it, my Committee didn't do it, twelve members did it. I am saddened by it and the charade has got to stop. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **DUTREMBLE** of York, to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-609).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT** of Senate Amendment "B" (S-609).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **RICH** of Cumberland who would have voted **MAY** requested and received Leave of the Senate to pair his vote with Senator **BALDACCI** of Penobscot who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, HOLLOWAY, KANY, MATTHEWS, MCCORMICK, MILLS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BRAWN, COLLINS, LUDWIG, PEARSON, SUMMERS, WEBSTER**

PAIRED: Senators **BALDACCI, RICH**

ABSENT: Senators **CONLEY, GOULD**

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators having paired their votes and 2 Senators being absent, the motion by Senator **DUTREMBLE** of York, to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-609), **PREVAILED**.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "C" (S-612) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am certainly not going to block this amendment but I need to ask a question. I was reading the fiscal note and it said "Debt service payments will come due in Fiscal Year '92 - '93. A General Fund appropriation of approximately \$2.8 million will be needed for the interest payable in Fiscal Year '93 - '93. This figure assumes that the first principal payment can be structured to be payable no sooner than Fiscal Year '93 - '94 and two interest payments will be payable in '93 - '93." This means we are going to come under the General Fund, \$2.8 million. I haven't

spent lots of time down in Appropriations but the time I have spent down there would be an indication that we don't have an extra \$2.8 million kicking around. I was wondering how we intend to pay for this? 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 believe that fiscal note is on there because we still have the April 14, 1992 date. As soon as that is eliminated, so is the fiscal note. 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. I would like to pose a question through the Chair. When are we going to eliminate the April 14, 1992 deadline? Is that going to be by amendment? Thank you.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill has posed a question through the Chair. The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe it will be. We just realized that that date was still on there when we had them fix the amendment downstairs. Some amendment is going to have to be prepared either in the other Body or here to eliminate that April 14, 1992 date. Thank you.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "C" (S-612) **ADOPTED**.

Senator **CAHILL** of Sagadahoc requested a Division. **THE PRESIDENT:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED, As Amended**.

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.

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

HELD BILL

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

Senator **MILLS:** Mr. President, is the Senate in possession of L.D. 2365?

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

On motion by Senator **MILLS** of Oxford, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED, AS AMENDED:**

Bill "An Act Relating to Gambling" (Emergency)
H.P. 1685 L.D. 2365
(C "A" H-1056)

(In Senate, March 10, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056)**, in concurrence.)

On motion by Senator **MILLS** of Oxford, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Authorize the Issuance of Bonds for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens, in the Amount of \$56,000,000"

S.P. 947 L.D. 2411

Tabled - March 10, 1992, by Senator **DUTREMBLE** of York.

Pending - **REFERENCE**

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

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

Off Record Remarks

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table, the following matter:

Bill "An Act to Repeal the Community Corrections Act"

S.P. 934 L.D. 2392

Tabled - March 5, 1992, by Senator **CLARK** 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 **BUSTIN** of Kennebec, Senate Amendment "B" (S-600) **READ**.

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 on the Community Corrections Act. It was tabled unassigned while the Corrections Committee had a chance to work on it. This is a Bill that was not being referred to Committee but was being held here. It was one of those late filing Bills. What we have actually done is to keep in place the Legislative language that we had for the Community Corrections Act. Those people who are not aware of what the Community Corrections Act is, that is the money the State sends back to the Counties for the Counties taking care of the prisoners who have less than a year to serve. That was something that the Human Resources Committee did at least five years ago. In the budget Bill of December 1991 there were words put in that said the obligation of the Department of Corrections to reimburse counties pursuant to this section may not exceed the actual amount appropriated during the Fiscal Years 1991-92 and 1992-93. We have stricken that out so we return the Community Corrections Act back to where it was.

This is important. If your county has just put up a new jail or is anticipating putting up one, they have figured that cost on the statute that gave them the ability to house those State prisoners and get reimbursed for them. Kennebec County is, in fact, one of those. I was Chair of that Committee. That is how we figured we would build that jail. It was to help take the State's prisoners. I think it is unconscionable and a breach of faith for us to do anything different. That is what this is all about. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to inquire through the Chair as to how much this costs? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator **Pearson** has posed a question through the Chair. The Chair recognizes the Senator from Androscoggin, Senator **Gauvreau**.

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't have a precise dollar amount to give to our colleague from Penobscot, Senator **Pearson**. I do know that in Fiscal Year 92-93, the State was to have cut back approximately 15% of the monies which would have otherwise been due to County Governments for housing offenders under the Maine Corrections Act. I don't know what the total amount of money is but this year we would have paid the counties 15% less than they were actually entitled to. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not into this issue. I don't know a lot about this issue but I do know the answer to the question that I posed. At least I think I know the answer. It is \$11,600,000. If every Bill that comes before us has a device in it to protect it from being cut, where are we going to end up when we have to put all the pieces together? Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 2392 is my Bill. It is a Bill, if enacted, would have done the exact opposite of what I want which would have been to repeal the 1986 Community Corrections Act. As you may recall, in that year, I had the opportunity along with Representative Manning to serve as the Co-Chair on the Joint Standing Committee on Human Resources. What you may not recall is that in June of that year, we had a Special Session devoted to the issue of Corrections. That was the last year we had any significant progress in Corrections. It was the last year we were able to get out to the voters a Bond Issue which they approved in Corrections. One of the pieces of the Corrections Package that year was the Community Corrections Act. That Act said that for any offenders convicted under our criminal code who were sentenced to serve periods of imprisonment of 9 months or less, that sentence would have to be served in a County facility and not in a State Institution. There were many objectors in the Community Corrections Act. The foremost one was to put community offenders in the community so they could maintain their familiar relationships, their employment, and they could receive appropriate community based sentences. That Act was a wise act. It, in fact, has provided appropriate services for offenders and it has allowed non violent offenders to serve their periods of time in the community at less expense than if they were serving in a State Prison. It would cost around \$40,000 to house someone in the State Prison. It cost much less than that to house that person in the community. One would hope we would actually free up space in the prison system for offenders who really should be there.

Just this afternoon, the Committee on Judiciary had a long hearing on a Bill, if enacted, would impose mandatory sentences for offenders of gross sexual assault. The Bill comes out of York County where there was a particular aggregious assault on a young girl. I think all of those who attended the hearing fully appreciated the need to put dangerous offenders in prison for a long time. We don't do that because we put to many people in the State Penial System who should not be there and are not violent dangerous offenders. We don't screen people very well. As a result we probably do more harm than good. We probably expose the public to dangerous offenders because we put everyone in the State Penal System. That is why we should encourage and expand the Community Corrections System.

In 1986, we made a commitment to the Counties. We made a commitment that if we require offenders to serve their time in County Jails, we would reimburse the counties for every expense. We also told counties, like my county of Androscoggin, they had to build additional jails and put on additional beds and we would reimburse them for the cost of housing those inmates. If you take the time to puruse Title 30A, you will find some six pages delineate throughly all the costs we are to reimburse counties. I make these remarks because I felt that, as a Legislator, we had a moral obligation to fund that commitment to the counties. Counties opposed strongly the notion of Community Corrections because the counties felt that the State someday would renege on its commitments. In my capacity as a Co-Chair, I assured the counties we would opposed that and support full funding for the Community Corrections Act. This is different than not funding fully a desirable program. We told counties to incur capital expenses and now we are renegeing on that commitment. I appreciate the concerns of the good Senator from Penobscot, Senator Pearson. I yield to my colleague from Penobscot, Senator Pearson.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I operated on the wrong information. Senator Brannigan of Cumberland is going to correct it. It is one of the first times that I wanted Senator Gauvreau to go on and on so we could get the fiscal note corrected. I do understand there is a strong desire on the part of the President to table this for one day. Thank you.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-600).

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

On motion by Senator **WEBSTER** of Franklin, **ADJOURNED** until Wednesday, March 11, 1992, at 9:00 in the morning.