

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

Thursday

March 26, 1992

Senate called to Order by the President.

Prayer by the Honorable Pamela Cahill of Sagadahoc.
SENATOR PAMELA CAHILL: Dear Lord let us pray. Thank you for providing us the opportunity to live in this great Country and this great State of Maine. Dear God, please give us the patience and the diligence to get through and complete the task before us in the Maine Legislature today. Amen.

Reading of the Journal of Wednesday, March 25, 1992.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON AGING, RETIREMENT AND VETERANS
March 25, 1992

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Aging, Retirement and Veterans has had under consideration the nomination of Eunice Cotton of Augusta, for appointment to the Maine State Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
Representatives 7
NAYS: 0
ABSENT: 4 Sen. Webster of Franklin, Rep. Wentworth of Arundel, Rep. Michael of Auburn, Rep. Dutremble of Biddeford

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Eunice Cotton of Augusta, for appointment to the Maine State Retirement System Board of Trustees be confirmed.

Sincerely,

S/Sen Dale McCormick Senate Chair
S/Rep John Jalbert House Chair
Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:
MAINE WASTE MANAGEMENT AGENCY
STATE HOUSE STATION 154
AUGUSTA, MAINE 04333

March 23, 1992

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:

I am pleased to submit, in accordance with H.P. 1370, a joint report on behalf of the Maine Waste Management Agency and the Department of Economic and Community Development on the commercial applications of air scrubber technology and by-products.

This report was prepared by the Maine Waste Management Agency with the assistance of the Department of Economic and Community Development and Passamaquoddy Technology.

Please do not hesitate to contact me directly if you have any questions or comments about this report.

S/Sherry F. Huber Executive Director
Maine Waste Management Agency
S/Lynn Wachtel Commissioner
Department of Economic & Community Development
Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

SECOND READERS

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

Senate As Amended
Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 849 L.D. 2162
(S "A" S-696 to C "A" S-676)

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

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

ORDERS OF THE DAY
Unfinished Business

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

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

SENATE REPORTS - from the Committee on AGING, RETIREMENT & VETERANS on Bill "An Act to Restore Maine State Retirement Service Credit to Certain Part-time, Seasonal, Intermittent or Legislative Employees"

S.P. 809 L.D. 2008

Majority - Ought Not to Pass.
Minority - Ought to Pass as Amended by Committee Amendment "A" (S-683).

Tabled - March 25, 1992, by Senator CLARK of Cumberland.

Pending - Motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (In Senate, March 25, 1992, Reports **READ**.)

On motion by Senator **MCCORMICK** of Kennebec, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. The Bill **READ ONCE**.

Committee Amendment "A" (S-683) **READ** and **ADOPTED**. The Bill as Amended, **LATER ASSIGNED FOR SECOND READING**.

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1749 L.D. 2438

Tabled - March 25, 1992, by Senator **BALDACCI** of Penobscot.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in concurrence (Committee on **AUDIT & PROGRAM REVIEW** suggested and **ORDERED PRINTED**.)

(In Senate, March 24, 1992, **READ A SECOND TIME**.)

(In House, March 23, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

Bill "An Act to Rescind Changes in the Driver Education Evaluation Program" (Emergency)

S.P. 931 L.D. 2386

Tabled - March 25, 1992, by Senator **GAUVREAU** of Androscoggin.

Pending - **ADOPTION** of Committee Amendment "A" (S-673)

(In Senate, March 24, 1992, Committee Amendment "A" (S-673) **READ** and **ADOPTED**. Subsequently, **RECONSIDERED**.)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **ADOPTION** of Committee Amendment "A" (S-673).

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

An Act Relating to Legislative Confirmation Hearings

S.P. 894 L.D. 2299

(H "B" H-1148)

Tabled - March 25, 1992, by Senator **CAHILL** of Sagadahoc.

Pending - **ENACTMENT**

(In Senate, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1148)**, in concurrence.)

(In House, March 23, 1992, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

An Act to Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses

H.P. 1497 L.D. 2109

(C "A" H-1093)

Tabled - March 25, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1093)**, in concurrence.)

(In House, March 18, 1992, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

Bill "An Act to Strengthen the Campaign Finance Reporting Laws"

H.P. 1679 L.D. 2356

Tabled - March 25, 1992, by Senator **MILLS** of Oxford.

Pending - **ADOPTION** of Committee Amendment "A" (H-1131) As Amended by Senate Amendment "B" (S-659) thereto, in **NON-CONCURRENCE**

(In Senate, March 23, 1992, Senate Amendment "B" (S-659) to Committee Amendment "A" (H-1131) **READ** and **ADOPTED**. House Amendment "B" (H-1140) to Committee Amendment "A" (H-1131) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY HOUSE AMENDMENT "B" (H-1140)** thereto, **AND HOUSE AMENDMENT "A" (H-1141)**.)

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1131) As Amended by Senate Amendment "B" (S-659) thereto, in **NON-CONCURRENCE**.

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

An Act to Implement the Recommendations of the Advisory Committee on Medical Education

H.P. 1722 L.D. 2408

(C "A" H-1167)

Tabled - March 25, 1992, by Senator **ESTES** of York.

Pending - **ENACTMENT**

(In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1167)**, in concurrence.)

(In House, March 25, 1992, **PASSED TO BE ENACTED**.)

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

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

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

S.P. 945 L.D. 2409

(C "A" S-666)

Tabled - March 25, 1992, by Senator **CLARK** of Cumberland.

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

(In Senate, March 25, 1992, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED, As Amended.**
Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

SENATE REPORT - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Restructure State Government" (Emergency)

S.P. 929 L.D. 2384

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-680).**

Tabled - March 25, 1992, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** Of Committee Report (In Senate, March 25, 1992, Report **READ.**)

On motion by Senator **GILL** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF COMMITTEE REPORT.**

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

NOMINATION - of Eunice Cotton of Augusta for appointment to the Maine State Retirement System Board of Trustees

Tabled - March 26, 1992, by Senator **CLARK** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 26, 1992, Communication from the Committee on **AGING, RETIREMENT & VETERANS READ and ORDERED PLACED ON FILE.**)

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

On motion by Senator **CLARK** of Cumberland, **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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 42 L.D. 66

(S "A" S-535 to C "B" S-527; S "B" S-555)

In Senate, February 20, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-527) AS AMENDED BY SENATE AMENDMENT "A" (S-535) thereto, AND SENATE AMENDMENT "B" (S-555).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-527) AS AMENDED BY HOUSE AMENDMENT "D" (H-1237) thereto, in NON-CONCURRENCE.**

On motion by Senator **CLARK** of Cumberland, the Senate **RECEDED and CONCURRED.**

Non-concurrent Matter

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

S.P. 696 L.D. 1861

(S "A" S-647; S "D" S-681; S "E" S-685; S "F" S-689 to C "A" S-639)

In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-639) AS AMENDED BY SENATE AMENDMENTS "A" (S-647); "D" (S-681); "E" (S-685); AND "F" (S-689) thereto.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-639) AS AMENDED BY SENATE AMENDMENTS "A" (S-647); "D" (S-681); "E" (S-685); AND HOUSE AMENDMENTS "A" (H-1247) AND "B" (H-1278) thereto, in NON-CONCURRENCE.**

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

Non-concurrent Matter

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

S.P. 767 L.D. 1963

In Senate, March 5, 1992, **PASSED TO BE ENGROSSED.**

Comes from the House Bill and Accompanying Papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Prevent Procurement of Controlled Substances through Fraud"

H.P. 1582 L.D. 2232

(C "A" H-1170)

In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1170), in concurrence.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1170) AS AMENDED BY HOUSE AMENDMENT "A" (H-1270) thereto, in NON-CONCURRENCE.**

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **RECEDED and CONCURRED.**

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives

H.P. 1660 L.D. 2337

(C "A" H-1173; S "A" S-702)

In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1173) in NON-CONCURRENCE.**

In House, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1173) AND HOUSE AMENDMENT "B" (H-1175) in NON-CONCURRENCE.**

In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1173) AND SENATE AMENDMENT "A" (S-702) in NON-CONCURRENCE.**

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

On motion by Senator CAHILL of Sagadahoc, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

Non-concurrent Matter

Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children under 6 Years of Age"

S.P. 921 L.D. 2360
(C "A" S-679)

In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENT "A" (H-1274)** thereto, in **NON-CONCURRENCE**.

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

Joint Orders

The following Joint Order: H.P. 1766
ORDERED, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out legislation to promote economic growth and to provide assistance to businesses.

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

The following Joint Order: H.P. 1767
ORDERED, the Senate concurring, that Bill, "An Act to Extend the Appraisal License Effective Date," H.P. 1734, L.D. 2422, and all its accompanying papers, be recalled from the Governor's desk to the House.

Comes from the House **READ** and **PASSED**.
Which was **READ** and on motion by Senator **BALDACCI** of Penobscot, **PASSED**, in concurrence.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (Emergency)

H.P. 1547 L.D. 2185

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1192)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1192) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1206); "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "OO" (H-1275); AND "PP" (H-1279)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1192) **READ**.

House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) **READ**.

Senator **BRANNIGAN** of Cumberland moved that House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Senator **BUSTIN**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. If you will get that amendment it is on whether or not we put language in the budget bill.

THE PRESIDENT: The Chair inquires as to what purpose the Senator from Cumberland, Senator Brannigan rises. The Senator may state his point of order.

Senator **BRANNIGAN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senator from Kennebec, Senator Bustin said that the amendment was H-1230 and mine says it is H-1206. I wanted her to speak to the proper amendment. Thank you.

THE PRESIDENT: The Chair understands the point of order is House Amendment H-1206. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN**: Thank you Mr. President. I stand corrected. I had the wrong amendment in my hand. This is the amendment that would remove the budget bill the \$2,000,000 amount that has been taken out of the Maine Youth Center fundings so that they could request for proposals to privatize the Maine Youth Center. This amendment requires prior legislative approval before the Commissioner of Corrections or the Department of Corrections may issue a request for proposal or enter into a contract for privatization of any part of the Maine Youth Center.

This Amendment also requires an across the board reduction of all but a few General Fund accounts. This is an important amendment. We had a public informational hearing at the Maine Youth Center on Friday of last week - the majority of the Corrections Committee was there. We ran that hearing until 6:00 p.m. that evening. It became very evident to everybody there how disruptive and, yes, even less than cost effective, this kind of action would be. This is an action that is being taken without coming to the Legislature. The appropriate way to do this, if this is going to be done in a very good and transitional manner, is to come before the Legislature beforehand.

There are many, many reports that I could share with you that would tell us - one statement from the American Corrections Association who came to do a technical assistance study on this - was, "you can't save a dime". You won't find this statement in any technical studies or reports given but you will find it was said to many people at the Maine Youth Center as some of the reviewers were leaving. "You can't save a dime." They didn't save a dime in Maryland, nor in Florida.

Now that doesn't mean that the people who testified during the Correctional Hearing weren't willing to listen to a better way to deliver services to the juveniles in the State of Maine. They are more than willing to do that. However, you must understand that what we have here in Maine is looked at by other states as a premier program for

juveniles. Sure, it doesn't meet my standards. My standards would be that you bring in all the families, resolve all the family problems, make them good healthy adults, and they'll never enter into the adult system. That's a standard that we can never pay for.

What we have at the Maine Youth Center is a premier model of what should be done across the nation. Anybody will tell you that. What you are being asked to do in this budget is to disintegrate that. Take that away, get rid of it without doing it in a very studious, and I say, deliberative, way. It is just an incredible intrusion on the delivery of those services. On the impact to the people who receive those services, and most certainly, to the people who deliver those services, whether it be in the community that we already have or in the institution which is at the Maine Youth Center. After that hearing, the Corrections Committee sent a letter to Corrections Commissioner Donald Allen, a copy of which is on your desk, dated March 23, 1992.

There are a number of questions which have to be answered before we get to approving a reduced budget by \$2 million for an institution. I could go through every question in the letter but I think you can read as well as I can. If I have to, I can get into this but I feel you should know that the \$2,000,000 in the budget is really just a paper \$2,000,000. In fact, as I monitored the Appropriations Committee when the Department and the Executive Branch were presenting how they were going to balance this with Medicaid reimbursement funds, it became very clear that they could only account for \$1,000,000 not \$2,000,000.

Another fact even if those Medicaid funds came through, you still would not balance this budget with the \$2,000,000. It is not the way state government should be looking to deliver services to the people in this State. You may want to look for a better way to deliver those services; but this is not the way. You don't create an artificial hole in the budget and then fill it up with artificial money. What I'm fond of saying in the Halls and will say here is: This is the most immorally, fiscally irresponsible act that I have seen; and we ought not allow it. I would urge you to defeat the pending motion.

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

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

Senator **BRANNIGAN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I agree, and many members of the Appropriations Committee agree, with the good Senator from Kennebec, Senator Bustin, and we applaud the work that she and the Corrections Committee have been doing. We hope that it will accrue to a good outcome for the Youth Center. The reason I am moving indefinite postponement of this particular amendment is that it just doesn't work that way.

First of all, the good Senator from Kennebec, Senator Bustin, and I agree that cuts across the board don't work even though we may end up doing them before we're all done. Secondly, this bill, when and if it is passed, will only take effect in July or late June. Between now and late June, the Corrections Department intends to proceed to continue what they started and hopefully the outcome will be what they expected to have. No matter what we do, no matter whether we say that have to have our approval or not—they don't. And they won't. Therefore, they will go ahead and proceed. We've decided, given the

fact that they were going on, we would then try to put our trust in them to do this and capture the \$2,000,000 savings.

Many of us have been encouraging the Corrections Department for years to use Medicaid Funds; it's hard for us to say now, "Don't". Those two things combined - they are using Medicaid and they are going to continue their process for the next three months—no matter what we in the Legislature pass because the law we vote on does not take effect until June. Let's see what they can do - hopefully hearing echo after echo of what Senator Bustin and others on her Committee are saying that they need to do - if they hear that and do the best job possible to bring about the use of Medicaid funds for those at the Youth Center, that is their intent.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Senator Bustin from Kennebec, my seatmate, is absolutely correct in that we had a hearing at the Youth Center on Friday. As many of you know, the Youth Center is in my District and I have monitored the Youth Center all of my legislative career and also for many years prior to that, as I have resided in that community all my adult life. I, too, concur with the good Senator from Cumberland, Senator Brannigan. I think that to attach this amendment to the budget will leave a deep hole. I have faith. I heard much from many members of the Youth Center staff, people in the community. It is a very difficult choice that we, as a legislative body, won't have an overview immediately.

I have to trust that the people who are running the facility on a day to day basis will improve services and add services to the youth there that we're trying to straighten out. We've seen so many people in the past go through the graduate program of the Correctional facility at Windham then on to Thomaston. I would like to see expanded services for youth. I would trust the Department of Corrections at this point to provide those changes that need to be made. We heard that there are possibly 40 people who reside at the Youth Center now who could go into the private sector, and we could capture additional revenue from that. For many of us who have worked on Committees in the past dealing with children and families and trying to maximize money, we have continually looked at where we could maximize Medicaid in areas where we have not utilized a program to the fullest extent. There is a possibility that we could generate additional funds from Medicaid if we could do some privatization of the work with the youths. I, too, am very mindful of the types of young people we are dealing with there, services they need, and if it is the best of all worlds. I would like to see more services where we could maximize and get some more services through Medicaid. I would ask you to vote with the good Senator from Cumberland, Senator Brannigan, on this.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There are a number of things to address. One of the things said by my good seatmate from Cumberland, Senator Gill was that if we did this, we would leave a deep hole in the budget. I remind you that deep hole, up to \$1,000,000 is already in the budget even with all of the fast tracking they've done to research. What happens,

with the Medicaid dollars as it relates to the Maine Youth Center can only bring them on the face of that \$1,000,000. To use the argument that to have this amendment creates a deep hole in the budget is ludicrous.

Also, as the good Senator from Cumberland, has stated the amendment, in fact, funds that deep hole. It may not fund it the way you and I like but it funds that deep hole. And if the good Senator from Cumberland, Senator Brannigan, believes that it should be funded in another way, perhaps he ought to offer an amendment that would do that and recognize the fact that we have the hole anyway—that it's merely paper. It was said that there were about 40 people at Maine Youth Center that should be out into the community. We do not dispute that, that is absolutely true! Forty people! You know why those forty people are there right now? Because, we, the Legislature, took away forty to forty-three community slots in previous years. So we had no other place to put these juveniles but the Maine Youth Center! And now, you're saying to me, "Oh, good, now we've found this pot of gold, Medicaid. I don't know how we get those Medicaid dollars, I kind of think they come out of my pocket and yours—they just fly over to Washington and then fly back here again; and they only come back 60-70%. We still have to put in the 30%.

Let me remind you of something else. When you're talking about Medicaid dollars, you are talking a division of approximately 67-68% which means 27-28% that you are taking out \$2,000,000 out of Maine Youth Center to set up services that are probably going to cost you 70% more; if not more than that. Out of the taxpayers' dollar maybe not out of the State taxpayers dollar. Somehow I think that all of us sitting here who live in the State of Maine are paying the same moneys to the Federal Government as you're paying to the State. All you're doing is getting it back. Let's be clear on how we're using taxpayers money.

In the first place, you are increasing the cost of the service, not decreasing it. If you don't think that is morally and fiscally irresponsible, I do. I think we ought to be very, very clear it that. To indicate that this bill isn't going to do anything because it will not become law until July 1st and they've been assured that they can have these Medicaid dollars in place and the changes done by July 1st is also ludicrous. If you've read the technical assistant report from the American Corrections Association that was requested by the Governor's office, you will find that when you have to incarcerate juveniles, which is called secure detention, Medicaid cannot and will not reimburse. So you will now have to change your laws on secure detention for juveniles and I see nothing before me that addresses this particular question. Nothing.

They are trying to tell us, through the Medicaid office, that they're working with the Federal Government, and Boston's Medicaid Office has said, that they can fund through Medicaid. We have asked in our little epistle of March 23 to give us in writing that the Federal Government is willing to fund secure detention for juveniles in the State of Maine with Medicaid funds. We have not received that letter. I would suggest to you that if this Legislature wants to put their \$2,000,000 on the line, on the promise from the Boston Medicaid office, that we're going to be reimbursed, you probably have

not had the same dealings that I've had with them in my career.

Yes, Medicaid moneys can be accessed to provide different living situations for juveniles who are in trouble and need that kind of help. We do have them right here in Jefferson. We have a wonderful teaching parent's home. We've had some wonderful programs that have been taken away from us in previous years. All of a sudden, because we want to privatize youth services, we've got all this Medicaid money. We had Medicaid money to do that in previous years, why didn't we use some then. It's an incredible thing and to see that there's no affect, and that we should just proceed. I think you should pick up on what was said in Appropriations Committee that it doesn't matter what you do, we're going to privatize anyway. To which the Appropriations Committee promptly replied, well, we're going to show the savings even though we know the saving isn't there. We're going to show it because we're going to take that \$2,000,000. That's how it really went down, folks, and that really happened. I don't think that's the responsible way to do government.

If you don't think that it doesn't have an affect my seatmate will uphold me on this and it is fairly difficult for me to say but when we had that hearing at the Maine Youth Center, a young man stood up and testified. That young man was still at the institution and still receiving services. He was testifying on his own to say how that had helped him. I could not stay in the room. I had to get up and leave because what he was saying was brought up by a single mother, had drug problems, had stolen from his mother, and ended at the Center. He was so grateful that he'd been stopped and was being given the help he needed.

Those are the kinds of service that you are now providing to the juveniles in this State. And what you are doing is upsetting everybody that delivers those services, that receive those services. The courts aren't willing to put juveniles in an institution where they can get those services with all of this kind of stuff going on. The staff was very good and I will tell you of a staff member who was trying to decide if he should apply for a \$80,000 a year job in Florida. He was interested in knowing if privatization was going through. He runs one of the most difficult programs at the Maine Youth Center. I had to say to him, "You might as well apply because I don't think this Legislature is going to do anything to help you out. I don't think this Legislature is going to keep the continuation of the good services they give either." It was a pretty sad day for me to tell that man that. I don't want to lose that kind of expertise in Maine but we're going to. Florida's willing to pay for it. It's unfair to the people, it's unfair to everybody.

I don't usually do what I'm going to do now, but I'm going to do it. I have a communication in my hand right now. It's a request from Richard Silkman, Director of the State Planning Office, to get a contract for a Judith Freidlander, an attorney, who was sent to the Youth Center along with those two technical assistants from the American Corrections Association, to fast-track this privatization. It's obvious to BPI where all this goes. The reply came back - No we can't do that. This is from someone in the Division of Purchases. I'm avoiding naming anyone but will be glad to if I thought it appropriate, dated 3-16-92, the first one is dated in

January. "The contract your department has submitted from Judith Friedlander has been denied and the sole source of justification was not sufficient. Other vendors have expressed an interest in this type of work. The RFP process would be the way to handle this request." The next communication that I see is a transmittal memo. This person was given assignments by the Governor to develop a way to get \$2,000,000 from privatizing the Maine Youth Center activities. Will you advise the appropriate people and get contracts approved. It was from Sawin Millett and has "today" under the date. A reply from Dale on March 18 (so I assume the previous memo was issued on March 16). "Jim/Dick in that we have a directive from the Governor, please approve the contract." Then it was approved. That's the fast track we have, folks; and that's what you're looking at. This amendment shouldn't go through. This kind of stuff should never in State Government. It's happening all too frequently. It's time to stop it.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel I must rise and ever so gently say, that I know I have a lot of faults and I know more of them than you do, but I don't think it's proper to characterize the rest of the Committee as morally irresponsible. Maybe some other word or phrase might be more proper. I don't think that any member on the Committee that I serve on fit in that category.

THE PRESIDENT: The Chair would advise the Senator that the pending motion is the indefinite postponement of House Amendment "D" and the only subject to be discussed at this time. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We as members of the Appropriations Committee have a responsibility to look for Federal dollars in this day of very few. That is exactly what we did, because all too often the Federal Government mandates without the dollars. In this case, we found that the Federal Government will only allow Federal Medicaid reimbursements for care and treatment for private non-medical institutions. That is why we decided to proceed in this manner. It is our duty to look for Federal money rather than use all State dollars for any programs in the State of Maine. That is the bottom line. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland, to **INDEFINITELY POSTPONE** House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) in **NON-CONCURRENCE**.

A Division has been requested.

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

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

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland, to **INDEFINITELY POSTPONE** House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) in **NON-CONCURRENCE**, **PREVAILED**.

House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "N" (H-1219) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "T" (H-1228) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "FF" (H-1252) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "00" (H-1275) to Committee Amendment "A" (H-1192) **READ**.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Would somebody explain very briefly this particular amendment. It appears like we have dealt with the flea markets before but this may be a different issue.

Senate at Ease

Senate called to order by the President.

House Amendment "00" to Committee Amendment "A" (H-1192) **ADOPTED**, in concurrence.

House Amendment "PP" (H-1279) to Committee Amendment "A" (H-1192) **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, House Amendment "PP" (H-1279) to Committee Amendment "A" (H-1192) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "E" (S-708) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**.

On motion by Senator **ESTES** of York, Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1192) **READ**.

Senator **BRANNIGAN** of Cumberland moved that Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1192) be **INDEFINITELY POSTPONED**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This would take money to a good end with the school funding formula and being able to come up with a group to help study that. It's certainly admirable and I hope that Senator Estes can carry this out. I move indefinite postponement because of the source of funding. Taking from private school services and geographic isolation grants would, first of all, upset the very delicately balance agreement that has been reached and therefore, would be in itself sufficient. Second, private schools are teetering on a very delicate balance. I hope you will support my motion. Thank you.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all I request a division. Second, I ask you, ladies and gentlemen of the Senate, to seriously oppose the pending motion.

As you know, for the last year, education funding, particularly General Purpose Aid, has come under attack again and again and again. Because of the size of the State's contribution to General

Purpose Aid, 42% of our budget has been the big lumbering target which has been an easy hit. Beginning with education reform back in 1984, the State realized how badly our schools had been neglected. State funding for K through 12 education was increased rapidly. Between 1983 and 1991, we saw the average budget grow by a 15% increase during that period. The state funding formula worked efficiently as we added more money and we gradually raised the State's share to 56.8%. Times were so prosperous during the 80's that the funding formula was adjusted to increase aid, particularly for the low receivers. Because of the economic slump that we have been in at present, in FY91 we were forced to cut \$12,000,000 from education funding and push \$40,000,000 of the June payment into FY92.

Last year, we froze State Aid at \$531,000,000. Almost \$72,000,000 below the certified costs. We did that by a percentage reduction across the board not using the funding formula. In doing so, we compromised the funding formula. When we came back in December, another \$16,000,000 in General Purpose Aid was cut from the budget under the so-called 50/50 plan which was a very contentious fight for the Legislature to finally decide how that distribution plan would take place.

The formula under certified costs would have guaranteed schools for this current fiscal year \$601,000,000. Instead, only \$513,000,000 was spent. Next year, the pain gets worse. The State's obligation for 56.8% of the total cost for education would have been in excess of \$650,000,000. In actuality, the payout under this budget, would be \$515,000,000 which will drop the State's share below 50%. The revisions in the budget that we have made by freezing state valuation in communities at FY92 levels, by freezing pupil count at FY92 level, by freezing program costs at FY92 levels, has effectively suspended the funding formula. In suspending the funding formula, it has made it a non-workable formula for the future.

As important as solving our workers compensation crisis is, and the fact that the Legislature endorsed putting together a special blue ribbon commission, the more than a half billion dollars that we spend annually on education through General Purpose Aid, I believe is important. The funding formula is in suspended animation we will never see the formula revived again. I commend the Department of Education in their work in trying to come up with recommendations for next year, but I think what we need to do over the months ahead is to put together a select commission as I have outlined here—an eight member commission of people with expertise in education funding, to come up with recommendations for a new funding formula and for funding levels for the next Legislature and for the next biennium. I know many people have said that they support this idea but they have difficulty with the method of funding.

We need a select commission that is going to be able to tap in to National expertise. We need a commission that is going to be able to work, and work as diligently as possible from the time the Legislation is enacted until the December 15th reporting date. \$100,000 is a conservative amount of money and I looked and looked; and the area identified that those fundings should be tapped were from the line of adjustments and miscellaneous costs which totalled \$9,000,000. The two items within

those adjustments that I tapped were the private school services and geographic isolation. They were zeroed in on in the Governor's original budget with his recommendation. The Education Committee unanimously supported that. They are extras in a time of very, very tight money. \$210,000 was restored for private school services and \$250,000 was restored for geographic isolation grants.

Asking \$50,000 from each of those categories with the programs still being carried and still being funded, the big picture of a funding formula that is going to work both in good times and in bad times is of ultimate importance to this Legislature and to the people of this State. It is a necessary direction that has to be given to the next Legislature. I urge you to vote against the motion to indefinitely postpone. Thank you.

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

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

Senator **FOSTER:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I talked to the good Senator from York, Senator Estes, of his concerns about the school funding because I, too, have the same concerns. I worked very hard to restore the private school service money, this is to help our parochial and island geographic isolation communities that I believe need this money to give a good education to the children of those areas. I have to support the motion to indefinitely postpone because I do not believe that is where the money should come from. I asked the Senator from York if there was another bill which he could use for such a thought and he indicated there was none at the time. I firmly believe this is not the bill the money should come from. I ask you to vote in favor of the motion.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1192).

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 13 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1192), **PREVAILED**.

On motion by Senator **CONLEY** of Cumberland, Senate Amendment "C" (S-684) to Committee Amendment "A" (H-1192) **READ**.

Off Record Remarks

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

Senator **CONLEY:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. As we proceed here, and although it is not apparent from the debate we've had so far in reference to these amendments, I would like to suggest that anyone who is not tuned in to the fact that this budget is in trouble is an AM person living in an FM world. One has only had to walk around these corridors in the last couple of days to get a feel from people as to how they are looking at this budget and thinking about it.

THE PRESIDENT: The Chair would advise the Senator that the pending question is adoption of Senate Amendment "C". Please keep the comments to the amendment.

Senator **CONLEY:** Thank you Mr. President. This amendment now before us is something this body is familiar with. It is an issue we dealt with last year, essentially this amendment is designed to repeal Part "WW" of the budget and replace it with video game measures which actually was approved by this body last session on a couple of different votes.

In asking you to approve this measure, I believe this is not a gimmick, it is not a push, not a shove; it is real, it is real money. It is money that is there for the State and in offering an amendment, I have really looked at it from a personal position of morality. What is moral for me? What can I accept as something that we should be doing here with this budget as elected officials. I don't place any blame on the Appropriations Committee in reference to the corners they ultimately ended up in, as to where we are going to come up with \$20,000,000 to make up the problem that we have. This amendment is a different answer to that \$20,000,000. Instead of tampering with what I believe is tampering with the Collective Bargaining process to have come up with the solution without going to the negotiating table involving those State employees, without talking to them about what their position might be in reference to the length of hours they would work, their working condition and benefits I suggest that we enact this Amendment. That we put this in the budget. This amendment deals with the putting into place video gaming which would take out the need for reducing our employee hours. This amendment will create jobs about 2000 jobs. It will put our hospitality industry back on its feet.

It will put us ahead of about 26 other states which are now considering or have adopted video gaming in some form. The same type of video games that our neighbors to the north in the Maritime Provinces have adopted. I believe in my heart that this is a much more appropriate way to go and this is how we should raise the money. For those reasons I would ask for its adoption.

Senator **PEARSON** of Penobscot moved that Senate Amendment "C" (S-684) to Committee Amendment "A" (H-1192) be **INDEFINITELY POSTPONED**.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I do appreciate the remarks from the Senator from Cumberland, Senator Conley, in recognizing that we do, from time to time, get painted in a corner, that is sometimes not of our making. One of those corners that we are painted in is represented in this amendment.

Inasmuch as this is not a new subject matter for us, having not been able to work out the difficulties and differences on this subject last session and with the amount of time and attitudes that held by various individuals in this building, it does not appear to me to be an option that would solve the problem. Ultimately and consequently, I see no purpose in continuing to explore something that I don't think is going to be real.

Senator **CONLEY** of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-684) to Committee Amendment "A" (H-1192).

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.

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **PEARSON** of Penobscot, to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-684) to Committee Amendment "A" (H-1192), **PREVAILED**.

On motion by Senator **ESTES** of York, Senate Amendment "B" (S-677) to Committee Amendment "A" (H-1192) **READ**.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment will allow the public post secondary institutions, a little bit more flexibility by allowing them to expand the opportunity of moving any savings to offset tuition, also to applying that savings to the scholarships with the Maine Academic Programs, if necessary.

Senator **BRANNIGAN** of Cumberland moved that Senate Amendment "B" (S-677) to Committee Amendment "A" (H-1192) be **INDEFINITELY POSTPONED**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe that this could be done now. We've been trying to avoid things that try to catch savings. We've turned down several bills as a Committee and I would hope that the Higher Education people would give scholarships and those kind of things a high priority if they had the funds available. We do not need to put this in our laws.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I request a Division. The language in Part B is very restrictive, and in applying any savings to tuition, granted it would be fighting across the board, but you also have the possibility of special circumstances where there is more of a need for money and savings and that could be applied for scholarships for those individuals with that need. There is also a very strong possibility that, due to the amount of money that has been cut—\$22,000,000 to the University System and \$4,000,000 to the Technical College System—they if they were able to find savings, they would have that either/or option to apply that money to save essential academic programs which, in my opinion, is as important as maintaining a reasonable tuition rate. I urge you to oppose the motion by the good Senator from Cumberland, Senator Brannigan.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-677) to Committee Amendment "A" (H-1192).

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 motion by Senator **BRANNIGAN** of Cumberland, to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-677) to Committee Amendment "A" (H-1192), **PREVAILED**.

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "D" (S-691) to Committee Amendment "A" (H-1192) **READ**.

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

Senator **MCCORMICK:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. This amendment does not imbalance the budget. In Part WW, there are several Sub-Parts. In Sub-parts 7 and 8 refer to the Highway Fund and to the Federal Expenditure Fund and apply the 37 hour work week to both of those funds.

The savings that accrues there, which is \$4.6 million does not revert to the General Fund, it gets moved from Personal Services within the Highway Fund and the Federal Expenditure Fund to other areas. In particular, when we look at the Highway Fund, that's going to have serious economic development consequences in terms of the large number of construction contracts that the Federal Highway Administration has given to Maine which is going to require Highway employees to muster all their efforts to get out. My Amendment merely deletes Parts W-7 and W-8. It does not unbalance the budget in any way, and does not unbalance the Highway Fund. Thank you.

Senator **BRANNIGAN** of Cumberland moved that Senate Amendment "D" (S-691) to Committee Amendment "A" (H-1192) be **INDEFINITELY POSTPONED**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There are two reasons I am making this recommendation. One is that it does affect the General Fund to some extent, we have, in our calculations, moved about savings from the Highway Fund to the General Fund. The rest would accrue in the Highway Fund which also needs funds badly.

Second, and probably more importantly, in all the difficult decisions that were made around furloughs and other things, the parity is very important that workers who are side by side would be treated equally. With this amendment, that would no longer be true. You have to understand that as demoralizing as some of the things we are doing, this would be even more so and continuing. I would hope you would not support this amendment but would vote for indefinite postponement.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will take those objections one by one. The first objection by the good Senator from Cumberland, Senator Brannigan, raised is that there was some moving of funds between the Highway Fund and the General Fund. I took that into consideration, particularly, asked the staff person who was developing this Amendment and I reiterate that the Highway Fund is still balanced and the budget is not balanced if this Amendment passes.

The second point that the good Senator raised which is parity one work a 40-hour week and another 37 hour week. I don't know why we should subject everyone to a bad idea, especially if that bad idea has grave economic development impacts on the State

of Maine which this impact does. Here we have the Highway Fund wherein all of our highway workers fall under. Here we have the main thrust of economic development from the President on down being highway projects in this State and in other states. We know that DOT is going to need every able bodied person available and then some to put these projects out at the rate that the President, the Federal Highway Administration and the Governor want these projects put out.

I ask you, does it make sense then, just for the sake of parity, for appearances, for us to say to the DOT workers, you should work the same amount of hours as all the other workers should, even though it's going to cost overtime to the State, even though it's going to reduce our ability to get these highway and bridge projects out. I believe the answer is no. This state is in the kind of economic crisis where we no longer have the luxury of dealing with appearances the way we've been doing for the last year. I submit to you that it was absolutely silly also for us to ask the institutional employees at the prison and AMHI and BMHI to also work furlough days when their furlough days constantly accrued overtime pay that we now have to pay which further unbalances the budget. It's time we started working smart and this amendment is smart.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-691) to Committee Amendment "A" (H-1192).

The Chair ordered a Division.

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

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

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-691) to Committee Amendment "A" (H-1192), **PREVAILED**.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is the **ADOPTION** of Committee Amendment "A" (H-1192) As Amended by House Amendments "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "00" (H-1275); and Senate Amendment "E" (S-708) thereto, in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, **ADOPTION** of Committee Amendment "A" (H-1192) As Amended by House Amendments "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "00" (H-1275); and Senate Amendment "E" (S-708) thereto, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **DUTREMBLE** of York, the Senate **RECONSIDERED** its action whereby it **FAILED** to **ADOPT** Committee Amendment "A" (H-1102) As Amended by House Amendments "L" (H-1216); "N" (H-1219); "Q"

(H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "00" (H-1275); and Senate Amendment "E" (S-708) thereto, in **NON-CONCURRENCE**.

Senate at Ease
Senate called to order by the President.

The same Senator further moved to **SUBSTITUTE** the Bill for the Committee Report.

The Chair ordered a Division.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a procedure that is not commonly done and what we're doing is returning to the original bill as submitted by the Governor and that is what we will be voting on.

I say that not as Father Time but because we haven't done that this session and people may not know exactly what we are attempting to do as far as parliamentary procedure. We are substituting the Committee Amendment and going back to the original bill.

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

Senator **CLARK:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. Since we have defeated the product of the legislative process, I think it is perfectly appropriate that the Governor's proposal be before us and that the Legislature indicate its acceptance or rejection of that proposal. Thank you, Mr. President.

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

Senator **CONLEY:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. The original bill as it came forth from the Governor was really so long ago that I barely remember much about it other than the fact that I thought it was a lot more irresponsible than the present document the Committee Amendment that we just finished debating. If somebody would like to bring it forward and explain why we should vote in favor of it, perhaps I could find a reason for doing so. At the moment, I really just couldn't.

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 suggest to the good Senator from Cumberland, Senator Conley, that if he thinks it is more irresponsible, when the Division is taken, that he jump up faster. I don't think I could go for it either.

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

Senator **FOSTER:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. The Governor's budget was presented to me to be a cosponsor and I refused, because the Governor only proposes and the Legislature disposes. For the Legislature not to accept the responsibility of a budget is wrong. It is up to us, and I think we will look irresponsible today if we, indeed, vote for what the Governor proposed. You must each and everyone accept responsibility. The time is now.

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

Senator **BALDACCI:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I would just like to state I think I heard the good Senator from Hancock, Senator Foster, say that I would be acting irresponsible if I voted for the Governor's budget as was presented to the Legislature. I'm not sure if that's what I heard, but as far as the larger questions which is that we have defeated the bill which was a product of the Appropriations Committee. There was a lot of hard work there and now we are voting on the Governor's budget. I would like to submit to the members of the Senate that it was not only the product but was also the process as it pertains to what happens with the issue that we just defeated earlier. It's that process that is more at issue.

The one thing I hear from my constituents is that whatever you do, do it fairly and equitably and do it across the board. If you're going to have pain and suffering, spread it out. The perception, if not the reality, is that we've centered that pain on one group of people. That isn't fair and I think what should be occurring now is that the Legislature has rejected the budget that is that product. The Legislature's message in that regard is that this process continue in the Committee and come up with an alternative we can vote on—whatever is responsible for that. We have gone through this process and I do not believe we've acted irresponsibly.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There is no secret plan to do anything but place the original Governor's bill before the Senate because the Appropriation Committee's amendment was rejected. It is very important that everyone understands that the original bill would also be rejected. I do not support the original bill at all. The option before us today was totally and resoundly defeated and we now must put forth that the original bill will be resoundly defeated. At least it is my belief. It is for that purpose that I bring this before you and then we can proceed.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am a bit at sea with this and would request to have you point out which of our rules allow this kind of parliamentary motion.

THE PRESIDENT: The Chair advises the Senator that the pending question before the Senate is the motion of the Senator from York, Senator Dutremble, that the bill be substituted for the Committee Report. The attempt to adopt Committee Amendment "A" (H-1192) failed. Committee Amendment "A" (H-1192) having failed put us back to any motion the floor would want to make and Senator Dutremble made his motion. The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know why it is being done, what I am questioning is, is it an allowed motion under our rules?

THE PRESIDENT: The Chair would answer in the affirmative. The Senate operates under its own Joint Rules and the Mason Rules. This procedure is allowed under "Mason's Manual of Legislative Procedure." The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would be remiss if I didn't offer this communication which I will read to you now because it was at the request of a constituent from South China.

THE PRESIDENT: The Chair would advise the Senator that the pending motion is that the Bill be substituted for the Committee Report.

On motion by Senator **DUTREMBLE** of York, the Bill **SUBSTITUTED** for Committee Report.

Which was, under Suspension of the Rules, **READ TWICE**.

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

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. So that I may fulfill my duties to my constituent, I would like to read this communication which is on the budget before us. This is from one of my constituents from South China and she pleaded with me to read it:

"The Legislature is not the employer of State workers. It is the Executive Branch that negotiates collective bargaining agreement and represents the employer for State employees. When the contract expires, according to the Maine Labor Board, it remains in effect until a new contract is negotiated. This is the status quo policy, a Labor Board policy, not law that derives for interpretation of collective bargaining laws based on precedence. It is intended to prevent exactly what is happening now. Willie-nillie tampering with the contract between negotiations."

THE PRESIDENT: The Chair will advise the Senator that the Original budget document does not contain the contract language.

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

Senator **FOSTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I take my duties for a balanced budget very seriously. Although, in the beginning I worked hard to fix the Governor's Budget for some things that could be approved here, I am going to vote for this budget. It shows courage that we have something to work with. It isn't the way I wanted it and I have worked for months to get it into a form that you people can look at but you have to take stands. I am going to take a stand and I will vote on the Governor's budget. Thank you.

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

The Chair ordered a Division.

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

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

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE, FAILED**.

(See action later today)

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:

Senate As Amended

Bill "An Act to Restore Maine State Retirement Service Credit to Certain Part-time, Seasonal, Intermittent or Legislative Employees"

S.P. 809 L.D. 2008
(C "A" S-683)

Which was **READ A SECOND TIME**.

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

Senator **WEBSTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This original Bill was defeated and recalled from the Lost file. It was defeated with a unanimous motion. Those of us in the Committee and members of the Aging Committee unanimously agreed to bring this Bill back to have it do several minor things we felt had to be done. I would be remiss if I didn't share with the Senate that I did not attend all the meetings on this issue. I would say if we agreed unanimously to do several things that need to be done to adapt our law to federal law. Unfortunately, this Bill is now what some people refer to as the infamous christmas tree Bill. It has several votes in the committee that are all divided. In my opinion it is too late in the session to begin with this matter so I would ask you to oppose it. Thank you.

Senator **WEBSTER** of Franklin requested a Division.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to pass this Bill in second reading. It is true that there were many issues that the committee saw fit to put into L.D. 2008, however, we did so for the best of reasons. We did so to save money for the State of Maine. We chose not to request other titles for these very small but important issues to many of our constituents. There was rulemaking through the Board of the Maine State Retirement System that caused great upheaval in two Departments of State Government. There was an inadvertent change that disrupted the prison advocate. There was a loophole that the Education Tech III's fell through that we had to plug. They are all described in the handout I passed out the other day called "Your Guide to the Majority Report on L.D. 2008." I urge you to read it and vote in favor of passage of L.D. 2008. Thank you.

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.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

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

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

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Allow the State to Refund Bonds

S.P. 813 L.D. 2012

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Establish Economic Recovery Tax Credits" (Emergency)

S.P. 960 L.D. 2430

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

Signed:

Senators:

BOST of Penobscot
ESTY of Cumberland

Representatives:

CASHMAN of Old Town
NADEAU of Saco
DIPIETRO of South

Portland

DORE of Auburn
DUFFY of Bangor
TARDY of Palmyra
MAHANY of Easton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-713).

Signed:

Senator:

COLLINS of Aroostook

Representatives:

HEPBURN of Skowhegan
BUTLAND of Cumberland
MURPHY of Berwick

Which Reports were READ.

Senator BOST of Penobscot moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. This bill came to the attention of this Legislature on March 23, 1992 from the Governor's office, which was three days ago. The bill was referred to the Committee and in deference to my good colleague and fellow member of the Joint Standing Committee on Taxation, the Senator from Aroostook, Senator Collins, we held a public work session on this piece of legislation that day and also in the ensuing day March 24 at which point it was voted out in the form that you have before you.

The timing is ironic but I'll leave that to members of this body to figure out. With regard to the substance, this bill in essence would cost the State of Maine, \$35,000,000 in the next biennium in lost revenue that is \$20.1 million in FY94 and \$14.8 million in FY95. In retrospect of those two shortfalls or loss revenue, once this Investment Tax Credit, or Recovery Tax Credit as they are calling it, was in place the annual cost to the State of Maine would be approximately \$20 million a year.

Although, I, as Senate Chairman of that Committee, as well as my House counterpart, have supported the continuation of a number of economic development incentives, such as the already existing Investment Tax Credits, and we have taken some rather strong stands on those, there is no consensus that I am aware of in tax literature on whether tax incentives, as they are presented to you in this bill, are effective or efficient in creative new business spending. It is with some irony, that the same Administration that tells us that the existing tax incentives especially the existing Investment Tax Credits which is currently in Maine Statutes are too expensive. They have maintained that repeatedly. Now they tell us that, through this mechanism, a much broader package would cost no state dollars. That obviously contradicts what I have just told you about future costs.

I refer to a March 12, 1992, front page headline article in the Bangor Daily News which featured the Director of the State Planning Office discussing job creation ideas and the Jobs Commission, and some of the recommendations from that Jobs Commission. One look through that article whereby the gentlemen enumerates recommendations from that Jobs Commission, he says very clearly, the Jobs Commission Report would cost no state money. That caused a quiet stir in our Committee. We knew, from our analysis, that this was not the case. That was back on March 12. We did not know that on March 23, the Governor would send forth his "Jobs" bill.

Another irony not lost to me is that when the Jobs Bond came before this Legislature, not so very long ago, many of the very same people who are signing this bill out favorably voice their concern about a Jobs Bond—whether it be \$109,000,000, etc. I realize that we have come a long way since that point, but the fact remains that the same people who are going to be advocating for this today, have not had a sterling record on issues with regard to jobs creations. Another concern for the Committee, and it's reflected obviously in the vote, is that a number of the current Investment Tax Credits and Incentives, etc., on the books right now have been adjusted, amended, or delayed because of our current fiscal problems in this state. Many of those delays have been initiated by the very Administration that put forward L.D. 2430.

An example would be the Investment Tax Credit. The original tax credit would allow recuperation within a three year period. The Governor proposed and received a five-year period within which businesses could recoup their investments. Another delay that the Committee reluctantly accepted was the delay in the tax on energy use in manufacturing. Again, something which was supported by the Administration. My chief concern at this point is that we allow those current incentives already on the books to continue and I will stand by those. I will fight for those. I will not be here next year but I would hope that if times are better, we can restore moneys that we have robbed from those credits over the last couple of years so that businesses can be given additional incentives to expand and create jobs but on one hand, continue denying full funding for those good programs on the books and then come forward with a brand new investment recovery tax credit strategy, again at the eleventh hour, that would have future implications, future costs of \$35+

million. I think it's ill conceived and I would hope that you would support the Majority Ought Not to Pass Report.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to urge you, first, to vote in opposition to the Majority Ought Not to Pass Report, and then proceed to accept the Minority Ought to Pass Report and I would like to tell you about what this bill does and from whence it came. You may recall a few days ago, you received on your desk, the Final Report of the Jobs Commission which was dated February 14, 1992. If you will read the list of participants on the Commission, you will note that there are people from the private sector, public sector, there are business people, organized labor, academics. They were all participants in that Commission's effort. The Commission wanted, first of all, to help our economy by recommending things which would provide jobs.

In essence, they said, in order to have a job for an employee, first of all you must have an employer. The time has come when we have to recognize that's the way the system works in this country. The nuts and bolts in this proposal is in two parts: (1) It provide investment tax credits, it extends the present investment tax credit law from five years to ten years and it changes it from 1% to 2 1/2%; (2) It has the one-time credit of 20% for all qualified machinery and equipment purchased by the taxpayer that would be good just one year. That's the so-called "shot in the arm" that we seem to use a lot around here when we talk about improving the economy.

We talk "jump-start", "shot in the arm" and this sort of thing. This bill is designed for that purpose and would not continue beyond that year. The other part is devoted exclusively to jobs credits. We provide for \$1,000 per employer for every new jobs created. It also provides some funding for training of people for those new jobs.

I quickly agree that there isn't money to fund this in the current year. If you look at the bill, you'll note that it does not attempt to do that. It does, however, let you earn those credits which you may carry forward so that in 1994 when you have a better year, you can, in fact, take advantage of those credits. There are also limitations on those credits. CAPS. So that those organizations in our states that have the good fortune to make tremendous amounts of money, perhaps, cannot take advantage beyond a certain level. We've talked about the Bond Issue. I sense that I would be identified with my view with respect to the Jobs Bond and I can tell you that while that's not a part of this bill, I suspect this Legislature adjourns, we will have the Jobs Bond package that I will be signing on to. I think the importance of this bill is that it does a couple of things. It has an immediate thrust to it, and it also has a long term proposal which suggests that in Maine we ought to make business and economic endeavor more attractive.

For many years, we've been identified because our taxes were too high, our workers' compensation law was too tough, and we've been regarded throughout the country as not a good place to do business. The intent of this bill, and of the job proposal, is to change that attitude and perception among people not only living in Maine but those living throughout the country. It seems to me that while the bill is late,

and I make no apologies for that because the data was not completely collected until this Committee reported in February. The bill was drafted in the middle of March and presented late last week. I realize because I'm a member of that Committee that we weren't thrilled to see new legislation appearing on our desk when we thought we were about done. Nevertheless, I think it's an important piece of legislation. I think it deserves your real attention in spite of the lateness of it and the other objections you may have.

In order to get our ship assailing on this sea, it seems to me that we have, in this piece of legislation, something of short-term interest and something of long-term interest. We have a vehicle that requires no immediate financing; one that will cost in the future but will create enough activity to fill the coffers so that they can pay for this bill. Thank you, Mr. President.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding, and I stand to be corrected, that what is being proposed here is a doubling of the investment tax credit from 1 1/2% to 2 1/2% and it's my belief that if we're going to be able to take of some of the situations that exist in the State as far as Maine's infrastructure, its basic manufacturing and industrial base which has disadvantages on electrical rates, property taxes, and insurances as to other parts of the country. If we're going to lose that competitive edge in the industrial manufacturing fiber of this state, it doesn't go well for other sectors. My philosophy is that the manufacturing industrial base is the foundation upon which everything else is able to grow. In having that mix, I think this is very important for the State of Maine.

I'm concerned that there's been a delay in the credits and funds going to those that have been making those investments knowing how communities, having the only other resource other than individual residence property tax on houses, have the business property itself. The more there is loss of that business property and equipment and plant facilities, the more the burden increases on the town's property tax. I'm concerned about this and I certainly don't want to send out the wrong message. Thank you, Mr. President.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish to ask a question to anyone who would like to answer. Would this allow investment tax credit for retail business?

THE PRESIDENT: The Senator from Kennebec, Senator Kany, poses a question through the Chair. The Chair recognizes the Senator from Penobscot, Senator Bost.

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe the Senator from Kennebec, Senator Kany, is referring to a bill that we will be considering later on in the Session.

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator BOST of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report (Roll Call Ordered).

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Implement the Jobs Creation Bond Package" (Emergency)

H.P. 1708 L.D. 2389
(S "C" S-595)

In House, March 3, 1992, PASSED TO BE ENGROSSED.

In Senate, March 9, 1992, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-595) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-1280) in NON-CONCURRENCE.

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Regarding Electronic Banking Terminals"

H.P. 1765 L.D. 2448

Committee on BANKING & INSURANCE suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee.

The Bill LATER ASSIGNED FOR SECOND READING.

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

SENATE PAPERS

Bill "An Act Concerning the Maine Municipal and Rural Electrification Cooperative Agency"

S.P. 969 L.D. 2449

Presented by Senator CARPENTER of York
(GOVERNOR'S BILL)

Cosponsored by Senator DUTREMBLE of York
Committee on UTILITIES suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

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

COMMITTEE REPORTS
House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Legalize Marijuana for Medicinal Purposes"

H.P. 1729 L.D. 2420

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1281).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281).

Which Report was READ.

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

Senator GOULD: Thank you Mr. President. Ladies and Gentlemen of the Senate. I know this is a unanimous report out of the committee. I am not really rising to oppose the Bill. I am rising because Section 3 of the Bill says "a person is authorized to possess a usable amount of marijuana if the person possesses the marijuana for the sole purpose of providing the marijuana without compensation to a person described in section 1 or 2. In section 1 or 2, it is a person who has glaucoma or a person with side effects from chemotherapy or radiation therapy. By that section of the law is it going to be an enforcement nightmare for police officers trying to enforce possession of marijuana being illegal? If you had a relative that had glaucoma, you could possess a usable amount of marijuana and it would not be illegal. I am sure there will be a lot of people out there that will have relatives or friends that have one of these diseases, therefore, that possession would go undetected. Thank you.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This section is being looked at by the Attorney General and I believe the Governor's Office is also looking at it. I would ask if someone might table it until later today? Thank you.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF COMMITTEE REPORT, in concurrence.

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

ENACTORS

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

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

H.P. 1721 L.D. 2407
(C "A" H-1162)

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

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (Emergency)

H.P. 1629 L.D. 2292
(H "A" H-1186 to C "A" H-1106)

In House, March 25, 1992, PASSED TO BE ENACTED.

In Senate, March 25, 1992, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106) AS AMENDED BY HOUSE AMENDMENT "A" (H-1186)** thereto, **AND HOUSE AMENDMENT "A" (H-1282)** in **NON-CONCURRENCE**.

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

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill that restructures and renames the agency called BIDE has an emergency enactment upon it. We were told the reason it had an emergency enactment is because the only clause that separated some of us on the committee dealt with confirmation by the Legislature. Because of that clause, by constitution, it must carry an emergency enactment. I notice there is an amendment that has been attached to it that strikes out the emergency in the other body. I am wondering if we could have someone table this so we can verify if indeed it is contrary to what the constitution says. Thank you.

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin that the Senate **RECEDE** and **CONCUR**.

Off Record Remarks

On motion by Senator **HOLLOWAY** of Lincoln, **RECESSED** until 3:45 in the afternoon.

After Recess
Senate called to order by the President.

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

SENATE PAPERS

Resolve, to Establish the Maine Youth Apprenticeship Program (Emergency)

S.P. 970 L.D. 2450

Presented by Senator **ESTES** of York
(GOVERNOR'S BILL)

Cosponsored by Representative **NORTON** of Winthrop, Representative **AULT** of Wayne and Representative **O'GARA** of Westbrook

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

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

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

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

Bill "An Act Regarding Electronic Banking Terminals"

H.P. 1765 L.D. 2448

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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 to Further Enhance and Protect Maine's Great Ponds"

S.P. 922 L.D. 2369

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-719)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-719) **READ** and **ADOPTED**.

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

Sent down for concurrence.

HELD BILL

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

Senator **CLARK:** Mr. President, is the Senate in possession of L.D. 66?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** on:

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

S.P. 42 L.D. 66

(H "D" H-1237 to C "B"

S-527)

In Senate, February 20, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-527) AS AMENDED BY SENATE AMENDMENT "A" (S-535)** thereto, **AND SENATE AMENDMENT "B" (S-555)**.

In House, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-527) AS AMENDED BY HOUSE AMENDMENT "D" (H-1237)** thereto, in **NON-CONCURRENCE**.

In Senate, March 26, 1992, **RECEDED** and **CONCURRED**.

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

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "B" (S-527) As Amended by Senate Amendment "A" (S-535) thereto.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527).

Off Record Remarks

On further motion by same Senator, Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527) **INDEFINITELY POSTPONED**.

House Amendment "D" (H-1237) to Committee Amendment "B" (S-527) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (S-527) As Amended by House Amendment "D" (H-1237) thereto, **ADOPTED**, in concurrence.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As the prime sponsor of the L.D. 66, I am just repairing something we inadvertently did when we moved to recede and concur. We needed to secure the retention of Senate Amendment to L.D. 66 which is necessary because it determines when this referendum will occur in November of 1992. It has to be part of this package. Thank you Mr. President.

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

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** by Committee Amendment "B" (S-527) As Amended by House Amendment "D" (H-1237) thereto, and Senate Amendment "B" (S-555) in **NON-CONCURRENCE**.

A Division has been requested.

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

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

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

HELD BILL

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

Senator **DUTREMBLE:** Mr. President, is the Senate in possession of L.D. 2185?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

Senator **DUTREMBLE** of York moved that the Senate **RECONSIDER** its action whereby it **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (Emergency)

H.P. 1547 L.D. 2185

(In Senate, March 26, 1992, **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1192) AS AMENDED BY HOUSE AMENDMENTS "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), AND SENATE AMENDMENT "E" (S-708) thereto, FAILED**. Subsequently, **RECONSIDERED**. Bill **SUBSTITUTED** for Committee Report. Subsequently, **FAILED PASSAGE TO BE ENGROSSED**.)

(In House, March 25, 1992, Bill **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1192) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1206); "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "OO" (H-1275); AND "PP" (H-1279) thereto, FAILED**.)

On further motion by same Senator, Tabled until Later in Today's Session, pending the motion by the same Senator that the Senate **RECONSIDER** its action whereby **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE, FAILED**.

ORDERS OF THE DAY

On motion by Senator **CLARK** of Cumberland the Senate removed from the Later Today Assigned Table the following:

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

S.P. 767 L.D. 1963

Tabled - March 26, 1992, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 5, 1992, **PASSED TO BE ENGROSSED**.)

(In House, March 25, 1992, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

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

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

Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children under 6 Years of Age"

S.P. 921 L.D. 2360

(C "A" S-679)

Tabled - March 26, 1992, by Senator **ESTES** of York.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679)**.)

(In House, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENT "A" (H-1274) thereto, in NON-CONCURRENCE**.)

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

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-679), in concurrence.

House Amendment "A" (H-1274) to Committee Amendment "A" (S-679) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **ESTES** of York, Senate Amendment "A" (S-716) to Committee Amendment "A" (S-679) **READ**.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senate Amendment I just offered is a technical amendment. There was a lack of a reference in the Bill to Title 26 which I had made reference to provide proper reference to regional intermediate educational and purpose of declining public employer under the labor laws. This Bill, L.D. 2360 as amended is the comprehensive early intervention system for infants and children under six years of age. This is what is known as the CES system back in December under the supplemental budget. We had set up a temporary situation and this piece of legislation came in to restructure the Child Development Services System. This is a unanimous report that has come out of committee. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-716) to Committee Amendment "A" (S-679) **ADOPTED**.

Committee Amendment "A" (S-679) As Amended by House Amendment "A" (H-1274) and Senate Amendment "A" (S-716) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

NON-CONCURRENCE.

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

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

Bill "An Act to Strengthen the Campaign Finance Reporting Laws"

H.P. 1679 L.D. 2356

Tabled - March 26, 1992, by Senator CAHILL of Sagadahoc.

Pending - **ADOPTION** of Committee Amendment "A" (H-1131) As Amended by Senate Amendment "B" (S-659) thereto, in **NON-CONCURRENCE**

(In Senate, March 23, 1992, Senate Amendment "B" (S-659) to Committee Amendment "A" (H-1131) **READ** and **ADOPTED**. House Amendment "B" (H-1140) to Committee Amendment "A" (H-1131) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY HOUSE AMENDMENT "B" (H-1140) thereto, AND HOUSE AMENDMENT "A" (H-1141).**)

On motion by Senator CAHILL of Sagadahoc, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "B" (S-659) to Committee Amendment "A" (H-1131).

On further motion by same Senator, Senate Amendment "B" (S-659) to Committee Amendment "A" (H-1131) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "E" (S-717) to Committee Amendment "A" (H-1131) **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 appreciate your patience and perseverance on this particular piece of legislation, particularly the good Senator from Oxford, Senator Mills, whose Committee this came from.

Basically, I applaud the Committee on Legal Affairs' attempt to strengthen our campaign finance laws. I think their goal was indeed an admirable one. We have worked for the past couple of days to try to find some kind of an amendment that would deal with some concerns that I had, or a group of us had, about this legislation. I think we finally have an agreement that we can all agree on. Because this is specifically involved with campaign finance, I think it's appropriate to read the intent into the record. I'll be as quick as possible.

This amendment specifies a fourth category of persons and organizations that would be included in the definition of political action committee under the campaign finance reporting laws. This fourth category includes persons and organizations that solicit money and use all or part of that money to make contributions to influence campaigns and referendums regardless of whether the organization formerly organizes as a political action committee or solicits funds exclusively for political activity. The organization would not be consider a political action committee that spends less than \$1500 in a calendar year on campaigns or referenda. The amendment also requires all political action committees to report operational expenses.

Finally, the amendment incorporates changes made in Senate Amendment "B" (S-659) to Committee Amendment "A" (H-1131) and makes these changes effective retroactive to cover the activity in the 1992 election year. It corrects the application and effective date sections to reflect changes in the Section numbering in the Bill. I think it's all our intent, its useful for all of us who are running for election or reelection to have these campaign finance laws tightened and will protect each and every one of us that is running.

At the time, it was my intent not to move candidates towards political action committees but rather towards their state party organizations. As republicans and democrats, regardless of issues, it is to our advantage to have our parties, republican or democrats, remain strong and even gain in strength. For that reason, I have worked very hard to see that this amendment, hopefully, will do that. 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'd like to pose a question through the Chair to the Senator from Sagadahoc, Senator Cahill. If we're talking about political parties, I'll be direct with my questions. If money raised by the Republican Party was all put into the Republican State Committee, would the amount of that money have to be reported under this amendment?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to Senator Cahill. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I might have to solicit the help from the Senator from Oxford, Senator Mills. Not under this amendment, but under the original bill, which is retained, it does. If the contribution or expenditure is more than \$250.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Mr. President, I'd like to pose a further question. If the amount was under \$250 and it was being given to a P.A.C., would it have to be reported?

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again, I'll look for the nod from the good Senator from Oxford, Senator Mills, but I believe that is already current law.

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 make sure that I understand this to be absolutely clear in my own mind. I think I used the word expenditure and I'd also like to know if contributions are treated differently if they're going to State Committee as opposed to going to a P.A.C.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. My understanding is that they would be treated the same.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I understand from that answer. I want to make sure I understand it absolutely right. That if you give \$51 to a P.A.C. as a contribution that's reported that's the way I understand it right now. That if you give \$51 to the State Committee of either political party, that would also be reported as to where it came from.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again, I believe, and I didn't mean to mislead you. I did not understand your question. It is my understanding, once again, that if you gave a \$51 contribution to and through a P.A.C. that would be reported by the candidate as a contribution and an expenditure by the P.A.C. It would have to be an expenditure of \$250 to a party organization in order for it to have to be reported.

On motion by Senator **MILLS** of Oxford, Tabled until Later in Today's Session, pending the motion by Senator **CAHILL** of Sagadahoc to **ADOPT** Senate Amendment "E" (S-717) to Committee Amendment "A" (H-1131).

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

An Act Relating to Legislative Confirmation Hearings

S.P. 894 L.D. 2299
(H "B" H-1148)

Tabled - March 26, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1148)**, in concurrence.)

(In House, March 23, 1992, **PASSED TO BE ENACTED.**)

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

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

On further motion by same Senator, Senate Amendment "B" (S-718) **READ.**

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment I am offering for your consideration would slightly alter the legislative confirmation procedure only as it relates to our consideration of nominations for judicial judges or Workers' Compensation Commissioners. The amendment would, in fact, allow the Joint Standing Committee on Judiciary an additional five days to consider both judicial nominations and Workers' Compensation commission nominations. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-718) **ADOPTED.**

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

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

Senate at Ease

Senate called to order by the President.

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

NOMINATION - of Eunice Cotton of Augusta for appointment to the Maine State Retirement System Board of Trustees

Tabled - March 26, 1992, by Senator **CLARK** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 26, 1992, Communication from the Committee on **AGING, RETIREMENT & VETERANS READ and ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Aging, Retirement and Veterans has recommended the nomination of Eunice Cotton of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Aging, Retirement and Veterans be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Eunice Cotton, was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

On motion by Senator **MILLS** of Oxford, the Senate removed from the Later Today Assigned Table the following:

Bill "An Act to Strengthen the Campaign Finance Reporting Laws"

H.P. 1679 L.D. 2356

Tabled - March 26, 1992, by Senator **MILLS** of Oxford.

Pending - Motion of Senator **CAHILL** of Sagadahoc to **ADOPT** Senate Amendment "E" (S-717) to Committee Amendment "A" (H-1131)

(In Senate, March 26, 1992, on motion of Senator **CAHILL** of Sagadahoc, Senate Amendment "E" (S-717) to Committee Amendment "A" (H-1131) **READ.**)

(In House, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY HOUSE AMENDMENT "B" (H-1140) thereto, AND HOUSE AMENDMENT "A" (H-1141).**)

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wanted to quickly answer the question so it is clear. What is basically being set up is political parties are not required at this time to report contributions as far as itemizing them. This Bill with this amendment, if it is passed, would mean that political parties would now have to list \$250.00 or above. It models the Federal Law. We wanted to try this and see how it worked and would give people a better idea of where the monies are coming from. It is better than the current system which is no reporting at all. I hope that you would support this amendment. Thank you.

On motion by Senator **CAHILL** of Sagadahoc, Senate Amendment "E" (S-717) to Committee Amendment "A" (H-1131) **ADOPTED.**

Committee Amendment "A" (H-1131) As Amended by Senate Amendment "E" (S-717) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

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

Senate called to Order by the President Pro Tem.

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

SENATE REPORT - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Restructure State Government" (Emergency)

S.P. 929 L.D. 2384

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-680).**

Tabled - March 26, 1992, by Senator **GILL** of Cumberland.

Pending - **ACCEPTANCE** Of Committee Report (In Senate, March 25, 1992, Report **READ.**)

Which Report was **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-680) **READ.**

On motion by Senator **PRAY** of Penobscot, Senate Amendment "E" (S-714) to Committee Amendment "A" (S-680) **READ.**

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. This amendment creates a Bureau of Human and Civil Rights in the Office of the Attorney General. The role of Human and Civil Rights is enhanced and given a new level of priority in the Attorney General mission. The Bureau includes all advocates currently housed in various Executive Branches and Agencies including the Public Advocate in order to improve the oversight capacity

available to the Legislature. The Consumer Protection functions of the Bureau of Banking are not included. The Human Rights Commission continues to remain independent and continues to enforce the Human Rights Act.

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

Senator **BERUBE:** Thank you Madam President. Ladies and Gentlemen of the Senate. This was part of the restructure bill, LD 2384. We held a long hearing that day that included among other items, this particular issue.

Some of the issues that we had, we rereferred to the Committees of jurisdiction in order to receive their comments and/or recommendations. This one was sent to the Committee on Judiciary, a Committee on which I also serve, and they did not endorse it; also, at the hearing and subsequent to that, the Attorney General's office indicated they were not supportive of this measure. The feeling was that advocates, like the Public Advocate for instance, feel more independent by themselves than if they are within a department. I thought I would share this with you and let you make your own judgment as to the acceptance of this Amendment.

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

Senator **GAUVREAU:** Thank you, Madam President. Ladies and Gentlemen of the Senate. My colleague, Senator Berube, correctly paraphrased the considerations of the Joint Standing Committee on Judiciary regarding the efforts of the proposal of our President, Senator Pray, to, perhaps, merge the advocacy groups into one office.

The Committee on Judiciary felt it was an appropriate idea (concept) to merge all advocate offices in one central office. I want you to be aware of that. It was a sound policy idea. The reservations that some members had when we workshop this bill or counselled with the Joint Standing Committee on Local and State Government, a majority of the Judiciary Committee members believed that any such Office of Advocacy should be free standing and should be independent. It should not actually be placed within the office of the Attorney General. I believe, there were one or two members of the Committee who did believe that the Attorney General's Office should house this particular office; but the majority of the members felt that an Advocacy Office inside the AG might be perceived by some as having some restraint.

Some members made reference to the advocacy's position in the Department of Mental Health & Mental Retardation. There was a concern expressed that in-house advocates might not heard or as candid in complaints regarding agency actions as external advocates. And as we know, the Attorney General, of course, is charged with defending the actions of state officials, agencies and departments. The majority of the members felt it might at least appear awkward for the same office which defends agency actions would also serve advocacy functions against those agencies it represents.

For that reason, the majority of the members of the Committee on Judiciary believe that the idea of a central office makes a lot of sense would save money and would be efficient. It's a good concept but a majority of the members felt that it should a free standing independent office and not set forth or placed within the confines of the AG office. Thank you.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I stand before you today, as a colleague of yours representing my constituents, and what I believe to be of primary concern and message that the citizens of this State have sent us. That is we need to restructure government. We need to do things differently than we are currently doing.

Several days ago, when the good Senator from Androscoggin, Senator Gauvreau, was presiding. In jest sitting in his chair I thought I would get up and give a brief remarks. I picked up the closest material on his desk which was the Annual Report. If one would look at the Attorney General's Office (I don't intend to read it all) but it is a find document for anybody who wants to be a student of government and what we have currently in place. The report basically gives you an outline of what each entity of government is, its responsibilities and purposes.

The Attorney General Office listing denotes its primary responsibilities are to protect the public rights, to preserve order through serving as the State's Chief Law Enforcement Officer and legal representative of the State. In this capacity, the Attorney General insures enforcement of Maine laws, etc.

We have created a number of groups to protect the rights of citizens in civil rights and human rights. And I believe the appropriate location, in most instances, should be with the Office of the Attorney General. We have seen numerous allegations against the Department of Human Services by the citizens of this state as an example, which is against the responsibility of state government itself, and when you have an advocacy group that also works for that same department or comes under the previews of those commissioners, it is not really serving in the best capacity and ability the rights of those citizens of this state.

Since the primary obligation and responsibility of being assured that the protection of those rights are assigned to the Attorney General, I believe that these advocate positions should be located in the Attorney General's Office and would hope that the colleagues in this Chamber would support this amendment.

Senator **WEBSTER** of Franklin requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **PRAY** of Penobscot to **ADOPT** Senate Amendment "E" (S-714) to Committee Amendment "A" (S-680).

A Division has been requested.

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

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

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **PRAY** of Penobscot to **ADOPT** Senate Amendment "E" (S-714) to Committee Amendment "A" (S-680), **FAILED**.

On motion by Senator **DUTREMBLE** of York, Senate Amendment "C" (S-704) to Committee Amendment "A" (S-680) **READ**.

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

Senator **CAHILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. I don't have Senate Amendment "C" (S-704). Could I please have an explanation of this amendment? Thank you.

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

Senator **DUTREMBLE:** Thank you Madam President. Ladies and Gentlemen of the Senate. This Bill takes the World Trade Association out of its present method of doing business and puts it back into the Department of Economic & Community Development. This amendment puts it back to the way it is running right now. The Committee on Housing & Economic Development has spent a considerable amount of time on this. It was part of the restructuring that was done in the session previous to the 115th. When we started in the fiscal crisis in the State, we went to the committees and ask them to restructure and find money. The Housing & Economic Development Committee did that and came up with this method of conducting world trade or trying to encourage world trade in the State of Maine. It has been pretty effective. There doesn't seem to be any reason to change the way this is conducted so I move the adoption of this amendment. Thank you.

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

Senator **GAUVREAU:** Thank you Madam President. Ladies and Gentlemen of the Senate. It appears to me, in first reading of Senate Amendment "C" (S-704), there may be a drafting error in the amendment. It appears that the language in the amendment is at odds with what the Senator from York, Senator Dutremble is trying to do. I may be mistaken but it appears that the language is transposed. If that is the case perhaps it should be tabled until later so someone more expert than I am can look at the language and make sure it is accurate. Thank you.

Senator **DUTREMBLE** of York requested and received Leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "C" (S-704) to Committee Amendment "A" (S-680).

On motion by Senator **PRAY** of Penobscot, Senate Amendment "F" (S-715) to Committee Amendment "A" (S-680) **READ**.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. It's interesting as time goes by, as we close in on the April 1st deadline, we all have more opportunities, while waiting for sessions to start, to read newspapers. Obviously those of us with our political nature, have a tendency to read press releases of those who are seeking public office. Everyone I have read indicates that a major issue is restructuring of state government, downsizing and making it more efficient.

The Amendment before creates a Department of Labor and Commerce by combining DECD, the Department of Professional Regulations, and the Department of Labor into one department. I also made reference earlier on another amendment; in fact, reference to the Annual Report. The first Annual Report came out under the Curtis Administration, I have the original report here. It's kind of interesting to compare the various departments between 1974 and 1990 and see the growth that's taken place in government.

For example, unrelated to this amendment, but the Department of Human Services has gone from 1382 to

2763 employees; Conservations from 254 to 577; Manpower Affairs from 500+ to almost 700; Business Regulations, which is now the Department of Professional and Financial Regulations, has gone from 73 employees to 228. In fact, the Annual Report has gone from a total of 463 itself to tell us what State Government does, to a total of 844 pages; to tell us about all the programs that we have, the departments, and all the activities, the little pipedreams that have been created over a period of times that have cropped up. The difficulty is that with each one of these (same as above) comes a top-heavy bureaucratic maize that takes money away from the delivery of programs for services to the people that we all represent from the policies that we implement on behalf of the health and welfare of the citizens of this state and as we are in this difficult financial times trying to resolve the types of problems that we're facing, cutting programs, cutting individuals, talking about reducing work weeks or laying off up to 1,000 employees, we seem to have a tendency to always protect the top. As a matter of fact, not only do we protect the top, we add to them. We give them public relations people, we give them assistants, deputy commissioners, etc. This amendment here consolidates three departments, combines all of the state's economic activities under one roof, and of particular importance, consolidates all the economic and market data bases and the human expertise in the same agency, eliminating the turf-driven protectionism of key data. Labor and Professional & Financial Regulation is essentially unchanged from present law, DECD is reduced considerably from its present format by the independent economic development agencies; such as Maine World Trade, FAME, Maine Tourism, Small Business Commission, and the Maine Science & Technology Commission picks up much of what DECD functions currently are and are directed to work in close coordination with the Department. It's called efficiency and effectiveness. It's called improvement of delivery of services, as well as accountability of the delivery of these services. When the vote is taken on this, I request a roll call

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

Senator **CAHILL:** Thank you, Madam President. Ladies and gentlemen of the Senate. It is obvious by the length of this amendment that this issue has been well thought out and researched. Unfortunately, I've not had a chance to look at this amendment, which has not been on our desk for a very long time and I think that certainly we should have an opportunity to look at this and analyze this, to see if this does indeed save money. This is definitely restructuring State Government. It's going a long way towards that process. The problem is, I think we should have gone through the Committee and public hearing process of that rather than present this nine-page amendment to combine 3 departments and about 15 boards and commissions. Respectfully, I'd like to have this tabled so we can look at it.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I obviously was to provide ample opportunities for all members to understand what the amendment is just before them. I suggest, basically, what you need to do is go back to the original bill, which you all received copies well over a month ago; I'm sure if you all sat down and read it as we all read every bill before us.

Basically, the Committee, in its wisdom through the Committee Amendment process, struck everything out after the Enacting Clause, and this re-establishes the original intent of the sponsor of the bill that of consolidation of a variety of departments. The original bill took out current 14 departments and melted them down, combining them together to create 7 departments. This is one of the departments that was in the original bill and obviously, we're all knowledgeable as to what was in the original bill. Understanding that a number of people have been busy and the accelerated time factor, perhaps there's a desire to provide Senator Cahill the opportunity to review this amendment by tabling this item.

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

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending the motion by Senator **PRAY** of Penobscot to **ADOPT** of Senate Amendment "F" (S-715) to Committee Amendment "A" (S-680) (Roll Call Ordered).

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

HOUSE REPORT - from Committee on **HUMAN RESOURCES** on Bill "An Act to Legalize Marijuana for Medicinal Purposes"

H.P. 1729 L.D. 2420

Reported the the Same Ought to Pass as Amended by Committee Amendment "A" (H-1281).

Tabled - March 26, 1992, by Senator **GOULD** of Waldo.

Pending - **ACCEPTANCE** of Committee Report

(In Senate, March 26, 1992, Report **READ**.)

(In House, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281).**)

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

Senator **CONLEY:** Thank you Madam President. Ladies and Gentlemen of the Senate. Since we last tabled this bill, I have consulted with the Attorney General's Office. The Attorney General has looked at this bill and is not opposed to it on policy ground. I just spoke with Charlie Leadbetter, an Assistant Attorney General in the office, who is looking at some technical changes that would have to be made if this bill got to Second Reading. What I would say about this bill to the body is that the title might alarm some people but I can assure you that the Committee looked at this bill carefully, we had a series of cancer patients who appeared in front of us and told us some pretty horrifying tales about the problems they were having getting adequate treatment for side effects from chemotherapy. As a matter of fact, Representative Larrivee's own daughter came in before the Committee. Representative Larrivee is the prime sponsor of this measure and she has recovered from a serious bout with cancer. Her testimony, some of the most testimony I've heard here in my five years, where she went into details about the drugs which she was prescribed by her physicians for nausea--none of which really worked--all of which were incredibly expensive. She talked about the horror which she and her family had to go through so that she could obtain marijuana which was the only thing that allowed her to eat, put on weight and to relieve the nausea from which she suffered. That

kind of story was repeated by a number of people. I think the the Committee was very sensitive to not wanting to open up a hole whereby people who do not have illnesses, would take advantage of whatever legal benefit we could create for those people who suffer from the side effects of chemotherapy when they come down with cancer. We worked carefully to close those loopholes. The questions were raised by the good Senator from Waldo, Senator Gould, are certainly concerns which we have and which is why we went to the Attorney General to make sure that this bill was drafted in such a way to close any loopholes. We feel that they are; the Judiciary Committee had an opportunity to look at this. I know that the good Senator from Androscoggin has been on the phone with Assistant Attorney General Leadbetter himself. I am hopeful he will put on the record his own conversation with the Assistant Attorney General as well as the deliberations which they had.

This bill has come about as a result of really a lot of political machination that have gone on in Washington whereby the FDA has withdrawn totally from any therapeutic programs that were being tested to allow people to experiment with marijuana to alleviate side effects of chemotherapy—it has really gone by the wayside—the only thing we could come up with, with the help of counsel, was to create a defense. And that's all it is, a defense. If a prosecutor still decides somebody with possession of marijuana they can bring that charge forward under this bill then have to convince the jury that, "my doctor has diagnose me as having cancer, I have been getting treatment with chemotherapy, and it's because of my condition that I have marijuana or that my parent, or a close loved one, got it for me". That is exactly the situation we're trying to deal with—we believe that the bill does do that and we're hopeful that this body will support it.

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

Senator **GAUVREAU:** Thank you Madam President. Ladies and Gentlemen of the Senate. As was alluded to by our colleague from Cumberland, Senator Conley, the Joint Standing Committee on Judiciary, had an opportunity to review the legislation before us to determine its technical structure, given the fact that this legislation would amend our Criminal Codes, Title 17-A.

The Committee on Judiciary did made some technical recommendations. Our task was not to review the policy but the technical input of the language and I did a few moments ago have a discussion with Deputy Attorney General Leadbetter who is recommending further technical changes to the bill. But the Attorney General's Office does not have major reservations at all about this bill, and I understand this legislation is now—after we go through the amendment process shortly—I think, the legislation will be in technically fine form to go on to legislative fruition. Thank you, Madam President.

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

Senator **MATTHEWS:** Thank you, Madam President. Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. The question for the members of the Human Resources Committee or anyone in the Chamber, I'd d like to know if there are a number of states that do this presently and was part of the research of the Committee on why Maine should join other states.

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

Senator **CONLEY:** Thank you, Madam President. In answer to question from the good Senator from Kennebec, I am not aware of any state that has any statute designed such as this. The idea for this statute came out of a Florida case in which a judge allowed a medical use defense as it was developed through the testimony of the individual involved in that particular case. I can get a copy of that case, actually it's in the other body, which I will be happy to show to anyone who would be interested.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1281) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

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

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

Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (Emergency)
H.P. 1629 L.D. 2292
(H"A" H-1186 to C"A"
H-1106)

Tabled - March 26, 1992, by Senator **DUTREMBLE** of York.

Pending - Motion by Senator **BERUBE** of Androscoggin to **RECEDE** and **CONCUR**

(In House, March 25, 1992, **PASSED TO BE ENACTED**.)
(In Senate, March 25, 1992, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.)

(In House, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106) AS AMENDED BY HOUSE AMENDMENT "A" (H-1186) thereto, AND HOUSE AMENDMENT "A" (H-1282) in NON-CONCURRENCE**.)

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

Senator **CAHILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. According to my notes I thought there was a question asked on whether or not this Bill required two-thirds because it did include the confirmation hearing process in that. I would like to have that clarified. Thank you.

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

Senator **BERUBE:** Thank you Madam President. Ladies and Gentlemen of the Senate. I was shown a copy of the ruling of the Attorney General. The actual opinion is that if there is an emergency enactor on a Bill, it must be two-thirds of the Body to pass it. If an emergency clause has been stripped off the Bill, it is two-thirds of those present and voting when it is to create a new Department that calls for legislative confirmation. Without the emergency it is two-thirds of those present and voting not two-thirds of the elected body. Thank you.

On motion by Senator **BERUBE** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

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

SECOND READERS

Senate

Resolve, to Establish the Maine Youth Apprenticeship Program (Emergency)

S.P. 970 L.D. 2450

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

Senate at Ease

Senate called to order by the President Pro Tem.

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

On motion by Senator **WEBSTER** of Franklin, **RECESSED** until 7:15 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

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

S.P. 696 L.D. 1861

(S "A" S-647; S "D" S-681; S "E" S-685; S "F" S-689 to C "A" S-639)

Tabled - March 26, 1992, by Senator **CLARK** of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-639) AS AMENDED BY SENATE AMENDMENTS "A" (S-647); "D" (S-681); "E" (S-685); AND "F" (S-689) thereto.**)

(In House, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-639) AS AMENDED BY SENATE AMENDMENTS "A" (S-647); "D" (S-681); AND "E" (S-685) AND HOUSE AMENDMENTS "A" (H-1247) AND "B" (H-1278) thereto, in NON-CONCURRENCE.**)

The Senate **ADHERED**.

Senator **BALDACCI** of Penobscot moved that the Senate **RECONSIDERED** its action whereby it **ADHERED**.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I request a Division. I didn't expect myself to be in this position so I have to think this through. I'd like to tell members of the Senate that the issue that is before is the issue on the Animal Welfare Bill and one small portion of it. That portion is the one I was interested in dealing with which is the length of time that dogs are in dog shelters before they are euthanized. The motion that was adopted by this Senate previously was for 11 days. If we vote to adhere we continue to keep that on the Bill. Thank you.

Senator **PEARSON** of Penobscot requested a Division. **THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BALDACCI** of Penobscot that the Senate **RECONSIDER** its action whereby it **ADHERED**.

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.

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **BALDACCI** of Penobscot that the Senate **RECONSIDER** its action whereby it **ADHERED, PREVAILED**.

Senator **EMERSON** of Penobscot moved that the Senate **RECEDE** and **CONCUR**.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-639) As Amended.

Senate at Ease

Senate called to order by the President.

House Amendment "A" (H-1247) to Committee Amendment "A" (S-639) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-1278) to Committee Amendment "A" (S-639) **READ** and **ADOPTED**, in concurrence.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This has been a long road for me, and it's been something that has been very difficult. It became an awful lot more than I thought was going to be when I began and I am very disappointed in a number of things.

First, I want to say that I have a genuine concern for love of animals, as I'm sure most everybody here does. I happen to view the world a little different than some other people do. I believe that one should put as much of an effort as one can possibly make to keep animals alive, especially dogs, as long as they possibly can in order to give every opportunity for those who have lost their dogs to strays that have run away while they're on vacation or whatever situation they be in to give those dogs every opportunity. I'd like to say that I don't think it's always the dog's fault it's usually the master's fault. Sometimes we end up punishing the dog for what the master has done.

I was at my local veterinarian with my two dogs not long ago, about a month or so ago, a veterinarian, I might say, that Senator Pray and I both share. An excellent veterinarian in Chester, Maine, across from Lincoln. While I was paying my bill, the receptionist was on the phone and I began to listen to her conversation whereby she said, "What is the rabies tag number?" As she wrote it down, I said to her, what's going on anyway? She said, our dog's been located and it has a rabies tag on it that was put on from this particular clinic, and we're trying to find out whose dog it is. The dog was located in Machias, the person had made the phone call to Lincoln, the dog was from Lee. If you know your

geography, a walk from Lee to Machias is extremely difficult even if he were picked up by an automobile and dropped off. That dog was a long way from home—had been missing for over two weeks.

My point is, that dogs stray and we'll occasionally read stories about dogs that have returned to their master from over hundreds and hundreds of miles away. Now, I have run into all kinds of accusations and it's most disappointing to me, personally. The first accusation I had was: Who put you up to this? I want you to know that nobody puts me up to caring about dogs. And, that was an insult! Nobody contacted me, nobody! I did it on my own. Amazing isn't it! I'm capable of doing it on my own.

The next thing was. Senator Pearson is really a tool of somebody who is trying to scuttle a bill. That's a lie! I know how hard it is to go through the process to form a bill, and just because I happen to be on the Appropriations Committee doesn't mean I'm not interested in other things. I was going through the Animal Welfare Bureau the other day and looking for the section on dogs when I saw that. I didn't think this was right. When I was about 14 years old, my cousins and their mother and father left me with their dog to take care of while they went away on vacation to Canada. The dog ran away from me. I could not get the dog back into my boat on the lake. He would not get back in - he went back down to where they lived. I had an awful time - being about 14 years old - I felt I had failed at my job of taking care of their dog. Eventually, I had to get the 4 or 5 people to help me because by that time, the dog was in such a frenzy because he had to leave his own property to come with me. And he didn't want to do that. I couldn't help but think about this when I read the bill. Yet, a dog would perhaps run away from an unfamiliar place and get lost in the process. And before his owner could get back from vacation, the dog could be euthanized.

In the process of putting this bill together, I scanned the notice that dogcatchers or dog control officers, or veterinarians and people from all over the state, are starting to fill up the corridors. There is also information, one especially from the Kennebec Valley Humane Society, which I assume was designed to kill my proposal. Their material says that they serve 28 cities and towns in this area and that they sometimes keep dogs up to two months at a time and that most owners reclaim their dogs in 3-4 days. Most everybody else says 3; this one said 4. They went on to say that there were only three instances in the last year where owners claimed their dog after an eight day holding period. None of these dogs were euthanized; so what's the problem? What was wrong with my 11 day proposal - I ask you.

I was absolutely totally up front with what I wanted to do and why I wanted to do it, and I articulated that to a number of people both in this Chamber and in the other. I want you to know that I appreciate the way I was received in this body. I wish it had been the same elsewhere. I was treated like a doormat.

I want to read something to you from this booklet that I had the other day - "That I Leave to You My Irish Setter Dog," from a little book that Governor Baxter wrote when Baxter's dog, Gerry, died. He lowered the flag at half mask on this building and the Veterans' Organizations in this State protested it. He wrote a little book in defense of what he had

done, and included in it the obituary for the dog. Anyway, he wrote this little book and you can find it in almost every public library in the State except the Old Town Public Library, 'cause frankly, I never returned it. I should have! I'll be very brief, Mr. President. I almost said, Mr. Speaker, cause I had some experiences over there just a little while ago!

Under the heading of "A Serious Act", these are little stories written for children, I think, which is maybe while it appeals to me more. "Before the advent of the automobile," he said, "I invariably was accompanied on the streets of my native City of Portland by at least two dogs." (He always had Irish setter dogs). On one occasion, however, while crossing the main street, one dog became confused, turned back. A swiftly approaching trolley cut off one of his front paws. He was in great pain! But as soon as I lifted him in my arms, he stopped crying. I hailed a passing express wagon and took him to a veterinarian. This man was so shocked at the condition of the dog's leg which he said could not be patched up that he suggested chloroforming him. I insisted that I wanted the dog treated just as though he were a human being, and explained to the veterinarian that an injured man would be given every chance of life; so why not my dog. Although it took six months to heal the wound, my dog lived with me nine years afterwards and was a faithful friend."

I'm not suggesting that the shelters of Maine have enough money to be able to do this as Governor Baxter was fortunate to do. I wish they did and I think that we have been remiss in providing them money from the General Fund. I wish that I had done a better job. I didn't. He goes on to say in another section "Dumb animals are placed on this world for a purpose. We should not shirk our responsibilities from them. These helpless creatures serve us, comfort us, and put us to the test. They acknowledge us as masters and their loyalties, their devotion and gratitude is unquestioned. Many humans, realizing how often they have failed to serve their master have reason to be humble in spirit when they witness the unselfish devotion of a faithful dog to his master." And then, he says, "He prays best who lovliest best all things both great and small. Let there be a God who loves us, He made us and loved us all."

Mr. President, I am extremely disappointed that my attempt has been misconstrued, misrepresented, then looked upon as an intrusion in a Committee upon I was not welcomed, and that I was not able to do what I wanted to do for dogs and cats in this State. People look at it, as I usually look at things, from a money point of view. I was not looking at it from a money point of view in this particular case. I have lost the fight. I concede my defeat. I wish I had won; maybe I will some other day.

Committee Amendment "A" (S-639) As Amended by Senate Amendments "A" (S-647), "D" (S-681); "E" (S-685); and "F" (S-689) and House Amendments "A" (H-1247); and "B" (H-1278) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act to Establish Economic Recovery Tax Credits (Emergency)

S.P. 960 L.D. 2430

Majority - Ought Not to Pass

Minority - Ought to Pass As Amended by Committee Amendment "A" (S-713)

Tabled - March 26, 1992, by Senator CLARK of Cumberland.

Pending - Motion by Senator BOST of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report (Roll Call Ordered)

(In Senate, March 26, 1992, Reports READ.)

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

Senator ESTY of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BOST of Penobscot that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

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

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

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator BOST of Penobscot that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, FAILED.

The Minority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-713) READ and ADOPTED.

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

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

Off Record Remarks

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

ENACTORS

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

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

H.P. 359 L.D. 513
(S "A" S-692 to C "A" H-963)

An Act to Facilitate Cooperative Agreements among Maine Hospitals

S.P. 882 L.D. 2254
(H "A" H-1235 to C "A" S-648)

An Act Concerning Anatomical Gifts Under the Motor Vehicle Laws

S.P. 900 L.D. 2319
(C "A" S-694)

An Act to Encourage Expansion of Certain Residency Programs Related to Primary Care Physicians

H.P. 1706 L.D. 2387
(S "A" S-669 to C "A" H-1109)

An Act to Repeal the Sunset on Penalties for Violations of Pesticide Laws

H.P. 1712 L.D. 2397
(H "B" H-1246 to C "A" H-1150)

An Act to Authorize the Town of Medway to Sell Certain Land

H.P. 1725 L.D. 2416
(S "B" S-631)

An Act to Ensure Financial Solvency of Insurers through Accreditation

S.P. 957 L.D. 2425
(S "A" S-660; S "B" S-670 to C "A" S-649)

An Act to Certify Nonprofessionals Working in Chiropractic Offices

S.P. 959 L.D. 2428
(S "A" S-699)

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 Creating the Victims' Compensation Fund

H.P. 1265 L.D. 1834
(H "D" H-1233 to C "A" H-965)

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

Senator GAUVREAU: Thank you, Mr. President. Ladies and gentlemen of the Senate. I'll be very brief this evening. As you know, I have opposed this legislation throughout its peregrination in the legislative process although I acceded to amendments to make the bill in appropriate form should it become law in our state. Just for the record, I cannot voice my dissent and displeasure strongly enough with this unique method of financing a legitimate government purpose. That, of course, is raising funds for victims of certain classes of crime.

Once again, as you know, this bill does not provide funds for all victims of crimes but only a chosen view. More to the point, it chooses surtax mechanism to establish the funds. It surcharges those individuals who are convicted of civic criminal offenses in the courts of our State. I suggest to you that if we are serious about doing the job properly and providing appropriate funds for crimes, we should be willing to do so in a forthright fashion on a progressive mechanism through the General Fund so that all of us can share, according to our ability to pay to address the needs of victims of crimes. If this were an isolated instance, it would be one thing; but we now have, I believe, seven separate surtaxes and fees imposed upon individuals who are convicted of any type of crime in our State.

Although I recognize that most of you, fortunately, do not set foot in our criminal courts, I suggest to you that we have completely emasculated the purpose of our courts in criminal matters; and that quite often, the courts are involved in now, is not the judicatory process but determining a surcharge for the government operations surcharge funds, assessing a fee for duration of parole, fee or surcharge for the OUI fund, etc. This process does bring the integrity of the way which we finance government operations into disrepute amongst those people who serve or are in our courts. It will be quite an illuminating process to members of this body to go to our courts someday and observe the process

and hear the comments made about this Legislature and unique financing mechanisms which we seem to draw upon, more and more, to fund programs which we all recognize are worthy. So for these reasons, I oppose the bill, and when the vote is taken, Mr. I would ask for a division.

Senator GAUVREAU of Androscoggin requested a Division.

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

Senator McCORMICK: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I know that the good Senator from Androscoggin, Senator Gauvreau's objections to this bill are in its funding mechanism, I would like for you to keep a perspective on this bill.

First of all, Maine is the only State, the only State, that does not compensate its victimized; and another important point to remember when you're voting on this bill is that the victims and the perpetrators of crimes often come from the same socioeconomic class. From the same socioeconomic class. So, is it more reasonable to expect the poor victim to assume financial responsibility for being an innocent victim of a crime, than for the perpetrator to be accountable for the cost of that crime? I say, no it's not.

To give you local statistics, 85 to 90 percent of the people in the Kennebec County jail were under the influence of drugs or alcohol when they committed the crime for which they were incarcerated; which means they had the money available to purchase drugs or alcohol. For instance, a fifth of Jamieson's Scotch costs \$18.45 my researchers tell me and we all know that a drug habit can be quite costly, although I don't have the statistics for those costs. I think they just need to be responsible for their actions and this bill helps to compensate victims and puts Maine with the rest of the states in that regard. I urge the passage of this bill.

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

Senator HOLLOWAY: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I do hope you will stick by me when we act on this bill for enactment. It's been playing back and forth between both bodies for approximately six weeks. It's been amended and reamended to a point where we thought we were going to lose it. We believe that we have compromised on all aspects of the bill and it's now in its proper position for passage and I do hope you will support it. Thank you.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

A Division has been requested.

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

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

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Establish the Petroleum Market Share Act
S.P. 844 L.D. 2148
(H "B" H-1229; S "B"
S-657 to C "A" S-640)

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

Senator CAHILL of Sagadahoc requested a Division.

Senator RICH of Cumberland requested and received Leave of the Senate to be excused from voting due to the appearance of a conflict of interest.

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

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GOULD, HOLLOWAY, KANY, LUDWIG, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, SUMMERS, WEBSTER

EXCUSED: Senator RICH

ABSENT: Senator MATTHEWS

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused and 1 Senator being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Protect Taxpayer Rights by Amending the Taxpayer Bill of Rights and Making More Equitable Tax Penalty and Appeal Provisions

H.P. 1583 L.D. 2233
(C "A" H-1260)

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

An Act Concerning the Needs of Out-of-control Children

H.P. 1626 L.D. 2289
(C "A" H-1225)

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

An Act to Establish the Motor Vehicle Emission Inspection Program

H.P. 1645 L.D. 2308
(H "C" H-1249 to C
"A" H-1154)

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 speaking today as the individual Senator from Sagadahoc County, not as the representative of the Republican Party. I am rising today to oppose the legislation,

and I apologize to the Committee, I know how sacred Unanimous Reports are when signed by all Committee Members. I appreciate that and, as much as possible, I try to adhere to that it's sort of an unwritten rule; but I felt obligated to rise on this particular piece of legislation because it's yet to be debated in this body although it was extensively discussed elsewhere during the last couple of days.

This bill, I feel very strongly about, is a tax on people in Southern Maine counties. Everyone says it's not a tax its compliance to Federal regulations, etc. I've heard all the arguments and I've read many of the news accounts of this particular piece of legislation. When you charge an inspection fee of up to \$30 every other year, I feel that is a tax. As people have said in the last couple of days "a tax is a tax is a tax". I believe this is exactly that. I understand the argument that this is needed to comply with Federal regulations, part of the Clean Air Act that was handed down from Federal Government.

We have made an attempt to stop passing down State mandates to the local level and I think it's time we stand, in Maine, and say that the Federal government has to do the same. I've heard the Federal government for years now threaten various states by saying that Federal funds will be withheld if we don't pass the mandatory seatbelt law. I've heard that Federal Highway money is going to be withheld if we don't comply with federally regulated signing on Maine highways. The list goes on that the Federal government is going to withhold if we're not in compliance.

I think we have to begin to say no—we not going to comply with the mandates passed down continually by the Federal government just as we have said, and have been responsible on State level, that we're no longer going to pass down mandates from the State level to the local level. I think it's time we do that. Someone could say that an inspection fee of up to \$30 every two years is not a lot of money. That in itself is probably true. It was especially true a number of years ago when the age of the fleet of vehicles in the State of Maine was newer. It used to be that the age of the fleet of vehicles in the State of Maine was on the average 3 years old. Now that average is five years old. These vehicles are getting older, there is no doubt about that the recession has caused people not to buy or replace their cars on as regular basis as before. What we have is a population that has older vehicles. Obviously those older vehicles are going to fall into a category where they perhaps could not comply with this inspection program, which means that these vehicles are going to have to be repaired. There is a provision in the bill I looked for it and couldn't actually find it where the repairs could not cost over \$450. I accept that as what the bill actually says even though I couldn't find it.

If you have to have a catalytic converter replaced on your automobile, by the time you have it replaced and maintenance, you're well up over \$450. It's a very costly piece of equipment to replace on your vehicle, and the Federal government already prohibits replacing a catalytic converter with a used one. It has to be a new one. I honestly believe this is going to place undue hardship on many of the citizens in the Southern Maine counties which this bill affects.

I do want to say one thing. If I honestly felt that this would have a dramatic affect on the

environment in Maine, I would probably would vote for it, but I don't. I believe the ozone problems that the Southern part of Maine experiences is largely in part because of vehicle emission from other states; such as Massachusetts, New York the states where emission gets into our air space polluting the air over the Southern part of Maine. I honestly believe that. I was told also, that there are approximately, in any one year, 30 days, and mostly in the summer, where in Southern Maine, the ozone levels are above acceptable standards. If someone could show me that by passage of this law, this number would be dramatically reduced, I would consider voting for that; but I've asked this time and time again and there really is no hard evidence so say that if Maine complies with this law, the ozone level will be dramatically reduced.

Once again, I understand that it's to our advantages, financially, through the Federal government, to comply with this law; but for the reasons I've stated, I do believe and with the economic climate which we are currently facing BIW has just announced 600 more layoffs, I don't see how we can even consider passing on such a dramatic tax and cost to Southern counties in the State of Maine. I request a roll call when the vote is taken.

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

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

Senator TITCOMB: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Federal mandate. Call it what you will and suggest that we ignore it if you will, but it is a Federal mandate and we are instructed very clearly that we must have a program in place; and in order to do that responsibly, we must allow ourselves the time to do that. Obviously, it's going to be our goal to do it properly.

The goal of this and the intent of this program would be to see an immediate 30% reduction in hydro-carbon emissions from motor vehicles. With just these inspections and the relevant maintenance that would go with them, there is a \$450 maximum. Those who came before us; and frankly, we did not have and I don't think we had any garages that came in expressing substantial concern about this. \$450 is more than enough to do the repairs on most vehicles—most of the time it's nothing more than just having your car tuned up if it's of vintage that would require that, having an oil change what we use to tune up bringing the car up to snuff.

I think the thing that concerns me most is that this has turned around and become an argument about whether or not we comply with Federal mandates. Right now, we have a space exploration that is ongoing, and one of the biggest concern that has been noted is that our pollution around this globe that we have only one of, is getting worse and worse - substantially worse since the last review that was done. We had been listen to our "wake up call". We've had it a few times. We have a hole in our ozone that is of significant concern and it is right over the state of Maine. We have some very serious environmental problems this is not just a frivolous desire to put added costs on peoples automobiles. These sorts of laws did not just fall into place because somebody conjured them up. They have them because we have created a very serious health and

life-threatening condition in our environment. This is mandated by federal law because the Federal government has acknowledge that we had better do something very fast to correct the problem that we have created.

We, as a society, need to begin to understand that these things that we've gotten into are not going to always be free to get ourselves out of, we may have to make that commitment. The time has come that this particular commitment must be made. I would encourage any of you who have a significant concern about not only the environment but the health of the children that you may be raising or other people are raising. Because we've had our "wake up call" and I suggest we hear it.

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

Senator **LUDWIG:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. The good Chairwomen of our Committee on Energy and Natural Resources has already spoken very eloquently and to the point about the need for us to comply with this Federal mandate. She has reminded you, too, that it is not just a law which came to us like any other from Washington, but it has been proven to us that the Southern counties in the State of Maine right now, have an ozone level which is unhealthy, especially for the elderly and children, as well as people with asthma and other respiratory problems.

I would also remind you that this emission testing is part of the Clean Air Act which our own Senator, George Mitchell, worked for ten years to pass in Congress. It took him a long time to do it but finally the other States realized how desperately we needed to take care of the condition and the quality of our air as a health issue. We cannot help the fact that the winds are westerly and that some of the coal burning plants out west are contributing to the acid rain which ruins our maple trees and a lot of other things. But we recognize that in the southern counties of our State, we have the highest percentage of people and therefore the highest percentage of cars and over 50% of these harmful emissions do come directly from cars which are not well maintained. The cost is going to be very small in terms of the benefit to our health and I hope you will join me in voting for this new program to comply with the Clean Air Act. Thank you, Mr. President.

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

Senator **CAHILL:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. Briefly, in response to something that was said by the good Senator from Cumberland, Senator Titcomb, about the hole in the ozone. I'm not a scientist but, according to what I have read, the hole in the ozone is caused by too little ozone. The ozone that we are referring to is from automobile emission is too much ozone and the two really are not related. The hole in the ozone is caused by fluorocarbon in Freon and that sort of thing. I don't think we should mix apples and oranges when we're discussing this particular issue.

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

Senator **KANY:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I wish to respond to that, I just want to support the Senator from Cumberland, Senator **TITCOMB's** comments in that they deal with individual responsibility and individual

contributions to pollution. The problem of the upper ozone level is primarily to CFC's but this legislature has already taken quite a bit of action even though our contribution to that problem of upper ozone layers is miniscule when you consider worldwide contributions that we still have been willing to take action to limit air conditioning in automobiles that have CFC's beginning in 1994. We're really ahead of any other state in the country on that. We've taken other action on CFC even though our contribution is miniscule, we are assuming our responsibility just as we should for the lower level ozone which contributes to the health problems that our good Senators on the Energy and Natural Resources Committee spoke about. So it is individual responsibility, even though we here in Maine are not responsible totally for that lower ozone level health problem.

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

Senator **TITCOMB:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. The correction that was presented, I would thank the good Senator from Sagadahoc for making reference to what was clearly my intent. I was not, in any way, trying to confuse anyone in this body; frankly, I was not confused myself. To tell you the truth, I think that if we look at the whole mix of all the environmental problems, we might see the direction we are to go in.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT.**

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BRANNIGAN, BUSTIN, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, TITCOMB, WEBSTER**

NAYS: Senators **BERUBE, BOST, BRAUN, CAHILL, DUTREMBLE, HOLLOWAY, THERIAULT, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators **MATTHEWS**

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the Bill **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Restructure the Department of Administrative and Financial Services

H.P. 1663 L.D. 2340

(C "A" H-1267)

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

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State

H.P. 1669 L.D. 2345

(S "A" S-688 to C "A" H-1174)

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

An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections

S.P. 916 L.D. 2353
(C "A" S-632; H "A" H-1248)

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

Emergency

An Act to Provide Regulatory and Permitting Assistance to Businesses

H.P. 1673 L.D. 2349
(C "A" H-1164)

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 Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 1677 L.D. 2354
(C "A" H-1195)

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

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

- YEAS: Senators **BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, EMERSON, ESTES, ESTY, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MCCORMICK, MILLS, PEARSON, RICH, THERIAULT, TITCOMB, VOSE**
- NAYS: Senators **BALDACCI, BERUBE, DUTREMBLE, FOSTER, HOLLOWAY, SUMMERS, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**
- ABSENT: Senators **MATTHEWS**

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 9 Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Liability for Uncontrolled Hazardous Substance Sites

S.P. 919 L.D. 2358
(H "A" H-1212 to C "A" S-665)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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 Municipalities to Appeal the New State Valuation

H.P. 1692 L.D. 2372
(S "A" S-661 to C "A" H-1136)

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

Emergency

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

H.P. 1748 L.D. 2436
(H "A" H-1255; H "B" H-1266)

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. Before we vote on this bill to be enacted or fail to be enacted, I have a couple of questions that I should like to pose.

In reading the House Amendment which appears to be essentially the bill, I notice that it deals with the structure of the Maine Drug Enforcement Agency Advisory Board and also the method of election or selection of the Director of that Bureau. It seems to me that these things were addressed in another bill which came out of State Government and I'm sort of surprised that it says that the Director will be nominated by the Governor, reviewed by the Joint Standing Committee having jurisdiction and confirmed by the Legislature. If that is the methodology that is to be used, I'm not sure that I support that. I would like to have someone that is more knowledgeable with the bill explain to me what I think it does. Thank you, Mr. President.

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

Senator **BUSTIN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I'm more knowledgeable than I care to about that particular issue.

The reason that it's in the Audit and Program Review and this is the omnibus bill for Audit and Program Review. It is the work of a full year of the Audit Committee and it does contain many different departments that we have reviewed. We had the misfortune of reviewing Public Safety which in fact contains BIDE in it at the very same time that BIDE was a controversial issue in the State and with another committee, and on another bill.

It is a unanimous report of the bipartisan committee of the Audit and Program Review Committee that confirmation of the BIDE Director is the only way that BIDE would be able to gain the confidence of the Maine people as a drug enforcement agency of the State. You just passed under the hammer, earlier today, the bill that was before the State and Local Government Committee that also had the confirmation process in it; so it seems to me that two committees have already said that they think the way to gain the confidence of the public in the drug enforcement of our State is through confirmation of the Director.

The Audit Committee does not take this lightly. They do not take lightly that they may lose a year's work with a gubernatorial veto. We do not take that lightly. We don't want to lose that bill - that only tells you how much we want and feel the need for this state is, that public policy set, that the confirmation procedure proceed with the BIDE director.

I hope and pray that the members of this body can understand that and can be assured that we have not done this lightly and this is something that we think is drastically needed for this state. I hope that you can support by your two-thirds vote passage of this bill.

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

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending **ENACTMENT** (Roll Call Ordered)

Senator **MILLS** of Oxford moved that the **RULES BE SUSPENDED** for the purpose of sending L.D. 2354 forthwith to the Governor.

There was Objection.

Emergency Resolve

Resolve, to Extend Certain Meeting and Reporting Deadlines for Study Committees and Commissions

H.P. 1752 L.D. 2440

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1992

H.P. 1758 L.D. 2443

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1992

H.P. 1759 L.D. 2444

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1992

H.P. 1760 L.D. 2445

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1992

H.P. 1761 L.D. 2447

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Bond Issue

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

H.P. 1707 L.D. 2388

(H "E" H-1262)

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

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

COMMITTEE REPORTS

Senate

Change of Reference

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (Emergency)

S.P. 232 L.D. 586

Reported that the same be **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT**.

Which Report was **READ** and **ACCEPTED**.
The Bill **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT**.
Sent down for concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:
An Act to Adopt a New Article for the Uniform Commercial Code

S.P. 680 L.D. 1802
(C "A" S-695)

An Act to Protect Children from Lead Poisoning
H.P. 1584 L.D. 2234
(H "A" H-1244 to C "A" H-1218)

An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders
H.P. 1652 L.D. 2315
(C "A" H-1271)

An Act Regarding Plastic Rings and Other Plastic Holding Devices

S.P. 967 L.D. 2446

(See action later Today)

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

Emergency

An Act to Correct Errors and Inconsistencies in the Laws of Maine

S.P. 849 L.D. 2162
(S "A" S-696 to C "A" S-676)

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

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

**PAPERS FROM THE HOUSE
Non-concurrent Matter**

Bill "An Act to Extend the Appraisal License Effective Date" (Emergency)

H.P. 1734 L.D. 2422
(S "A" S-645)

In Senate, March 23, 1993, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1767, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-645) AS AMENDED BY HOUSE AMENDMENT "A" (H-1284)** thereto, in **NON-CONCURRENCE**.

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

Senate at Ease
Senate called to order by the President.

On motion by Senator **CONLEY** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

An Act Regarding Plastic Rings and Other Plastic Holding Devices

S.P. 967 L.D. 2446

(In Senate, March 26, 1992, **PASSED TO BE ENACTED**, in concurrence.)

(In House, March 26, 1992, **PASSED TO BE ENACTED**.)

Senator **WEBSTER** of Franklin requested a Division.
THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I feel that this issue is important enough such that we should have a vote on it a division at least. It's a bill whereby we are putting back an environmental regulation that we once thought was important. I still believe it is important. It's one threat less for the wildlife in our State to deal with and I don't believe that it is necessary at all at this time.

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

Senator **BALDACCI**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that we would allow the motion to reconsider this bill prevail; and then deal with the issue and have a vote on the issue, as a courtesy.

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

Senator **WEBSTER** of Franklin requested and received leave of the Senate to withdraw his request for a Division.

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECONSIDERED** its action whereby this Bill was **PASSED TO BE ENACTED**.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

The Chair ordered a Division.

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

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

25 Senators having voted in the affirmative and 4 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

Senate called to Order by the President Pro Tem.

ORDERS OF THE DAY

The President Pro Tem laid before the Senate the Tabled and Later Today Assigned matter: Bill "An Act to Restructure State Government" (Emergency)

S.P. 929 L.D. 2384

Tabled - March 26, 1992, by Senator CAHILL of Sagadahoc.

Pending - Motion by Senator PRAY of Penobscot, to ADOPT Senate Amendment "F" (S-715) to Committee Amendment "A" (S-680) (Roll Call Ordered)

(In Senate March 26, 1992 Committee Amendment "A" (S-680) READ. On motion by Senator PRAY of Penobscot Senate Amendment "E" (S-714) to Committee Amendment "A" (S-680) READ and FAILED ADOPTION. On motion by same Senator, Senate Amendment "F" (S-715) READ.

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

Senator PRAY: Thank you Madam President. Ladies and Gentlemen of the Senate. This item was tabled earlier in the day so that the good Senator from Sagadahoc, Senator Cahill, could have an opportunity to read the Amendment but I do know that a number of members have been busy with other items such as the budget, etc., that we still need to attempt to resolve. Just to refresh everybody's thoughts.

This bill combines the Department of Labor, the Department of Professional and Financial Regulations, and the Department of Community and Economic Development to become the Department of Labor and Commerce consolidating those economic activities under one roof. I feel it's important that we do this: To consolidate the economic market resource that we have, in a combined fashion, to streamline and improve the efficiency of our State government.

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

Senator CAHILL: Thank you, Madam President. Ladies and Gentlemen of the Senate. I appreciate the opportunity to have had a couple of hours to look over this Amendment. Matters seem to be coming across our desk fast and furiously; the amendment that's before us, Senate Amendment "F", as the good Senator from Penobscot, Senator Pray, tells you, consolidates the functions of the Departments of Labor, Professional Financial Regulations, and Economic and Community Development.

Recommendations towards the creation of the Department of Labor and Commerce made in the original bill, as I understand it, was rejected unanimously by the Business Legislation Committee as well as the Committee on State and Local Government.

The three agencies have really incompatible missions - income support, business promotion, and business regulation. It seems to me to reorganize these three agencies without a considerable amount of thought given to the services they provide, is not in the State's best interest. The bipartisan Economic Development Task Force which recommended creation of the Department of Economic Development back in 1987 thought it was appropriate for municipal and business programs to be interlocked in the same agency. Since economic development occurs at the local level, the present structure encourages dialogue between municipal officials and economic development occurs as job creation projects are identified. The municipal programs of the Department of Economic and Community Development are not addressed in this amendment. In the original bill, the program, including the Community Development Block Grant

program, the Planning and Technical Assistance program, Energy Conservations program, Code Enforcement Officer program, and Natural Heritage programs were transferred to the Department of Conservation.

One concern is the funding of this bill is uncertain about the merger. We're not sure if it's going to save money or, for that matter, if it's going to promote efficiency. The Department of Professional and Financial Regulations protects consumers through regulations. Business regulators cannot, and should not I might add, be business advocates as this amendment proposes. An example: One that's very current, and I'm sure most of us are very familiar with, is the Federal Loan Bank which was designed to promote housing development through support of the savings and loans industry. The agency became such an advocate for savings and loans, it lost sight of its regulatory responsibility and the causing the situation which occurred with the savings and loans of which I am sure you're painfully aware. Therefore, the functions of DECD should be separate from those of the Department of Professional and Financial Regulations with licensing, investigations, and enforcement of laws, rules and regulations.

I appreciate the good Senator's attempt. I know that he has been involved in issues to restructure from the very beginning and certainly appreciate his attempt to do that. It's my opinion, however, that consolidating these three agencies would be more trouble than help in our State government.

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

Senator PRAY: Thank you Madam President. Ladies and Gentlemen of the Senate. I feel very awkward because of the role reversal here. During my tenure in the Legislature, I have heard Democrats advocating the reasons for the needs; and Republicans advocating the needs to streamline, change, and make government more effective and not allow growth to continue.

As the good Senator from Sagadahoc, Senator Cahill, pointed out, in 1978, when the Department was created and number of reasons as to why it was created. The difficulties are, this is not 1978, this is not the 80's, it's the 90's - and the very similarity of the situation as it was back in the 30's. As a matter of fact, if it hadn't been for a number of governmental actions following the Great Depression, we would be in a worse situation today Social Security, F.D.I.C., Unemployment Insurance, the list goes on.

We need to respond to the citizens of this State, we need to downsize government, and we need to make it more effective. If anything, we need to stop trying to protect the top bureaucratic levels of State Government. We need to start delivering the services and throughout the original bill and throughout these amendments, attempts are being made to reduce the upper levels of the bureaucracy but allow the continued delivery of those programs and services. As you all know, our colleagues on the Appropriations Committee have spent endless hours trying to scale back government based upon faulty revenue estimations—these estimates coming well below they're projections.

I feel that government is here to serve the people. Its primary purpose and its only purpose. If we're going to make those serious steps to move forward, we need to start implementing some changes.

We need to start looking at things a little differently than how we have customarily looked at them in the past, and must start implementing those changes. The proposals in the original bill, as well as this amendment, do that. It's a beginning! Every single Committee that was asked by the State and Local Government Committee to respond to the restructuring bill said, don't make changes. They said so in part because of the accelerated time they had to consider the matters before their own Committees—in that they didn't have sufficient time to evaluate.

We had restructuring proposals last year. A Reconstruction Commission, by the way, which took three legislative documents to get through, because their bills kept dying, failing passage, and were blocked. Finally, on the third try, the Committee was established. Some of the early problems were, who's going to make the appointments and how many? Not the questions of, are we going to move forward or restructure government. It was, who are we going to get to pick the players? The ultimate decision had to come back to the Legislature and today, we basically have a bill that has been fairly well gutted and does very little.

I think it's time we act! Let's stop talking about it and start the emphasis on change so that we can have a government, which not only fits the 1990's but prepares this State for the coming century. There's a lot of reasons why we can't do certain things. Now, I'll offer you one reason why we should do something because the people who sent us here want changes. Every single constituent I have talked with complains about State government—every single constituent. They feel the Department of Human Services, the Department of Environmental Protection, the Department of Labor - go through every single department fails to deliver its functions as efficiently as possible. Obviously, we can always find good things, "I believe in restructuring but not this part, or that part, some other part", but let's not ever propose anything.

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

Senator **CAHILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. I understand the Gentleman's frustrations. It's sort of like the "NIMBY" movement throughout the state—"Not in My Back Yard." As far as role reversals are concerned, I know how he feels about role reversals, at times. I would like to point out that the Department of Economic and Community Development has taken a 50% reduction in funding and a 32% reduction in staff since FY1990. I think they are attempting to scale back and deal with less.

I would like to point out again, just for the record, that not one, but two Joint Standing Committees voted to oppose this. They opposed it basically because they felt that the three roles were not roles that could be intermixed. I'd just like to read very briefly to you some of the comments from the Business Legislations Committee report. It says, (in part) this section proposes transferring the functions of the Department of Professional and Financial Regulations to the Department of Labor. We oppose this proposal for some of the following reasons: (1) We feel it is undesirable to have a regulatory and an assistance function in the same department; (2) We feel that the Department of Professional and Financial Regulations is a very well

run department and take the position "if it's not broken, let's not fix it"; (3) Given the current status of the State's economy and the morale of state workers, we feel this proposal—which would be costly, time consuming, and inefficient to implement—is inappropriate at this time.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PRAY** of Penobscot to **ADOPT** Senate Amendment "F" (S-715) to Committee Amendment "A" (S-680).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "F" (S-715) to Committee Amendment "A" (S-680).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators **MATTHEWS**, **TWITCHELL**

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **PRAY** of Penobscot, to **ADOPT** Senate Amendment "F" (S-715) to Committee Amendment "A" (S-680), **PREVAILED**.

On motion by Senator **DUTREMBLE** of York, Senate Amendment "C" (S-704) to Committee Amendment "A" (S-680) **READ**.

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

Senator **DUTREMBLE:** Thank you Madam President. Ladies and Gentlemen of the Senate. This is the amendment that deals with the World Trade Association, leaving out Association, in the same way that it was before the Committee on State and Local Government placed it back in the Department of Economic Development.

There was a question by the good Senator from Androscoggin, Senator Gauvreau as to whether or not the language in the bill was accurate and whether or not there was a question as to whether we were on the right amendment. It's just mirrored the language from the bill itself. We are on the right amendment so I would encourage you to support the amendment.

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

Senator **BERUBE:** Thank you, Madam President. Ladies and Gentlemen of the Senate. The Restructuring Commission, the Blue Ribbon Commission, as one of its many recommendations, suggested changing the Maine World Trade Association funding from a General Fund line item account to a contractual relationship within the Department of Economic Development. That's what we did in the bill before you L.D. 2384.

The main reason was because it came out as a recommendation from that prestigious Committee. What it does, also, is allows the Department, for instance, the present funding of around \$176,000 - a line item Dedicated Account to a group called, Maine World Trade. There are several others - there's

about a \$2 billion earmarked for another group called, Maine Science and Technology. There is approximately (I think) \$225,000 but I feel that's been cut a bit also; the Maine Development Foundation, which is also a separate private agency. We have an International Commission that gets \$250 million; we have the Maine Small Business Commission that gets \$600,000±.

It was the feeling of the members of the Committee that there were several organizations dealing with the same issue, i.e., trying to get trade going between our country and foreign countries. It probably hasn't worked as well as it might have, and we felt that if the moneys were earmarked to the Department they would have the flexibility to expend it, based upon the need for a particular company or business needing something special. At present, the money is Dedicated totally.

The Appropriations Committee has requested, I think it was last summer, for an itemization of their particular expenses. I think they received a copy of their salary accounts for the three people. What I'm trying to say, is that they could still contract with Maine World Trade, or they could send out an RFP for a particular need to suit a company's business. That's the reason we've suggested the moneys be left in the General Fund for economic development for that Department. Thank you.

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

Senator **DUTREMBLE:** Thank you Madam President. Ladies and Gentlemen of the Senate. Again, to remind you that three years ago, the Committee on Economic Development spent about two years reviewing the Departments. We spent weeks months I am sure you remember that while many, even members of my own party, were calling for the elimination of DECD, I was always one of its defenders; however, this is one particular instance where I felt they were not doing the job - and the Committee felt they were not doing the job - that's why we moved this activity into the World Trade Association. From everything that we hear today, it's run more efficiently and doing much better than when this was under the Department.

I also want to point out that this issue was brought up before the present Committee on Housing and Economic Development who unanimously recommended that it remain currently the same. I would encourage support of this amendment.

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

Senator **BERUBE:** Thank you Madam President. Ladies and Gentlemen of this Senate. This is an addendum. I promised myself I wouldn't get up twice but feel it's necessary.

I think we would derive more accountability. Right now, the money is in the General Fund Account and is immediately given as a Dedicated sum of money to an organization that, well-meaning, runs seminars, workshops, offers support to companies if they are members; if are not, they are charged a fee. But we don't know how the moneys are expended and don't really know the results. If it is under a Department accountable to the Appropriations Committee who sees how the moneys are expended, how much goes to salaries or rentals as opposed to how much goes into direct service, then there's a better handle, a better accountability. If the Department of Economic Development isn't doing the job, then it's up to us to make that correction. It was just to get a little

bit more accountability, better usage of the money (the tax dollars) that we expropriate from the people back home.

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

Senator **DUTREMBLE:** Madam President. Ladies and Gentlemen of the Senate. The World Trade Association reports to the Committee on Housing and Economic Development, the Governor, the Appropriations Committee, the Board of Directors of the Association which includes 7 cabinet level public sector members, 7 private sector members, as well as the President of the World Trade Association. There is plenty of accountability.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **DUTREMBLE** of York, to **ADOPT** Senate Amendment "C" (S-704) to Committee Amendment "A" (S-680).

The Chair Ordered a Division.

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

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

17 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York, to **ADOPT** Senate Amendment "C" (S-706) to Committee Amendment "A" (S-680), **PREVAILED.**

On motion by Senator **GILL** of Cumberland, Senate Amendment "D" (S-707) to Committee Amendment "A" (S-680) **READ.**

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

Senator **GILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. Senate Amendment "D" sets up the Department of Children and the Department of Health. Among the many years—probably the last six years that I've been here—I have worked to try to put children and family services together. There have been a number of other people in this body who have worked to do the same thing. Even though we all agree that more services should be provided in a more coordinated fashion, we not seem to have been able to arrive at the magic wording to do just that.

I find myself in a position tonight of offering this Amendment to try to set up two departments; and this amendment contains almost all of the same provisions as the Restructure Commission proposal in the President's Blue Ribbon Commission Report, the Governor's Task Force on Children and the Families, and the President's bill on restructuring.

This amendment does get the process going by July 1st of this year and two of the things that it does is to create a Children's Department and a Department of Health. It does not add an additional Commissioner, it abolishes the existing Department of Human Services and the Department of Mental Health and Mental Retardation, the Division of Community Services, and the Office of Substance Abuse. It calls for Substance Abuse to become part of the Department of Health. Head Start will be part of the Department of Children. It will improve the single contracting, evaluation, licensing, information, and referral system.

The creation of a Department of Health would contain divisions for Mental Health, Mental Retardation, Public Health, Medical Care, Financing, and Aging. The creation of a Children's Department will contain divisions for Child Protection, Foster Care, Family Support, and Economic Support.

A Legislative Oversight Committee will review the transition process. The programs for the Blind and the Deaf would become part of the Department of Education. Some of the proposals that are being made this way is because of Federal funding. We don't need to study this reorganization of children services any more. As I said earlier, we've conducted study after study. We've worked on this process for over six years and we have come away with nothing.

One of the last things for me to do here, is to see these implemented in July. It's long overdue. We can provide better coordination. We hear about the benefits of restructuring the process of State government. I can think of no better opportunity tonight than to pass this legislation because it will pull together all the services that our children and families need. It will allow the opportunity to review additional services by the Oversight Committee as time goes on to see if others should be placed under these new structures.

We should begin now in the most cost-effective way possible by transitioning all the programs within existing departments so services to Maine's neediest can continue without interruption. The necessary Legislative Oversight to this process is built into the Amendment. Bob Glover, the Commissioner of Mental Health and Chair of the Interdepartmental Council, will be leading this process for the Administration. He presented this proposal to the Restructuring Committee at the request of the Commission and to the State and Local Government Committee. It is a sound approach. I urge you to vote for it, I think it's time!

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

Senator **BERUBE:** Thank you Madam President. Ladies and Gentlemen of this Senate. I believe that in the time I have served in the Senate, this is the first time I've risen to oppose something from Senator Gill of Cumberland, and I apologize for doing that. She's done a very nice job but she forgot two things.

The first thing is that the plan which is in statutory language is pretty much the same one she's enunciated for you; but she forgets that it would be in our bill, L.D. 2384, which is the Unanimous Committee bill, by the way, but there would be a Reviewing Committee of 13 members of the Legislature, composed of 2 members from each Committee of jurisdiction, Corrections, Human Services, Appropriations, to make sure that the statutory language is being implemented in the ways the Legislature or the Committee sought to have done. That's a very big "if". They would regularly see to it that the plans are going on as planned.

Another thing in the amendment being offered before you, takes out Part C of L.D. 2384 which deals with the State Planning Office. For those reasons, I ask for a Division.

Senator **BERUBE** of Androscoggin requested a Division.

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

Senator **GILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. The Amendment that I am offering tonight does put together the same type of Committee. It's called a Commission in the the major bill but it's called a Committee in my Amendment. The oversight is similar.

People should know how much effort was put into this, even within the last couple of days, to arrive at the proper language to do this. Everybody I have talked to about this bill would like this implemented immediately. They would like to have this change take place July 1.

The problem arises because of the question of the oversight whether the complete plan should be brought back to the Legislative Commission before anything is started. The amendment I offer tonight would be implemented effective July 1 and there would be oversight by the Legislative body to deal with this so there isn't much change there. It's important for all of these children, and all of the families, to try to coordinate the services that we're providing here. Yes, the other portion of the bill does include a provision to take away the State Planning Office. I wish there was another vehicle that I could attach this amendment to but it's the only one available.

I don't think that the Department of Children and Families and the Department of Health really belong in the same issue, but I have no option but to offer it at this point and time. I personally would have preferred if the State Planning issue was in another vehicle, but it's not. I'm not in favor of doing away with that, I'm interested in the children and family portion.

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

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. Just so that everybody understands, rather or not this amendment is adopted, there is a Department of Family & Children in the bill. Rejection of this amendment does not mean that you do not create a Department of Family and Children. It's a question of timing, and it's a question of eliminating everything else that I heard earlier this evening that is so important which the Committee on Local and State Government unanimously agreed to.

The Department of Family and Children will be in the bill whether this Amendment is adopted or not; it is a question of whether you want to make other changes as well.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **GILL** of Cumberland to **ADOPT** Senate Amendment "D" (S-706) to Committee Amendment "A"(S-680).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "D" to Committee Amendment "A"(S-680).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

- YEAS:** Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, THERIAULT, WEBSTER**
- NAYS:** Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY,**

MCCORMICK, MILLS, PEARSON, PRAY,
TITCOMB, VOSE, PRESIDENT PRO TEM -
NANCY RANDALL CLARK

ABSENT: Senators MATTHEWS, TWITCHELL

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator GILL of Cumberland, to ADOPT Senate Amendment "D" (S-706) to Committee Amendment "A" (S-680), FAILED.

On motion by Senator ESTES of York, Senate Amendment "H" (S-723) to Committee Amendment "A" (S-680) READ.

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

Senator ESTES: Thank you Madam President. Ladies and Gentlemen of the Senate. I attempted to offer this Amendment about six hours ago and was not quick enough before the Tabled motion. I want to take a few minutes to explain this amendment and do not want to confuse anyone with another amendment which I planned to offer which is almost an exact duplicate; however, six words were left out through a computer error in the Revisor of Statutes Office. Those six words appear in the Statement of Fact in the last three lines, which also directs the Commissioner of Education to submit statutory and budgetary changes necessary for the transition to the 116th Legislature. This error was picked up by the Revisor of Statutes Office who suggested I present a corrected amendment in lieu of the originally intended amendment. I need to take a few minutes to explain what this amendment does.

First of all, the Education Committee attempted to very closely follow what was happening in the various pieces of restructuring legislation; and as busy as the State and Local Government Committee has been, the Education Committee has been extremely busy also. There were three areas that we missed and we're unable to make response to which were picked up late last week. On Friday afternoon, State and Local Government stated these issues and made their recommendations. It was my understanding, when I arrived on Monday, that the Committee would be back in work session to finish up its work - the work was completed and their Unanimous Report would be coming out. By the time we caught up with them, their report was out. However, I feel that these three changes being proposed in my amendment are very important ones.

The first part of the amendment deletes the transfer of Division of Alcohol and Drug Education Service from the Dept. of Education - a Drug and Alcohol Prevention is best insured by a consistent intergraded educational program that provides a variety of approaches and strategies to teach children about alcohol and drug use. The program has been a very successful one which also has been streamlined considerably as a budgetary action back last June. If this Division is transferred, it will become part of an organization unit in which the primary purpose is treatment. While treatment and prevention must be coordinated, prevention programs cannot be subsumed under a treatment organization and expect a continued quality prevention program.

Also, under legislation that was passed during the last session, the Department's Drug and Alcohol Prevention Programs and the programs contained in the Office of Substance Abuse, are required to coordinate their efforts. In fact, a plan for the coordination of services has been developed and was delivered to

the Joint Standing Committee on State and Local Government. The second portion of the amendment deletes the transfer of the pre-school handicapped children's services from the Department of Education to the new Department of Children and Families. The Pre-school Handicapped Children's Services are funded in much the same way that the K through 12 Special Education Programs administered by the Department of Education are funded - the same Federal sources, statutes, regulations and priorities. Earlier this evening, this body enacted L.D. 2360 a bill whereby the Unanimous Report coming out of Committee made major revisions in the Child Development Service System.

In November, the Subcommittee worked and made recommendations; and in the December Supplement Budget created Chapter 307 under which the Child Development Services has been operating temporarily. The Committee worked long and strenuously to come up with a much better plan for coordinated services for children who are in need of intervention services. A transition period was created which is going to be very critical for its success.

One of the things that was in the bill, L.D. 2360, was the establishment of an Inter-coordinating Committee and, within that Committee, would be a Steering Committee which was to consider fourteen outstanding issues. One of those issues would be the eventual transfer of the CDS system to the new and established Department of Children and Families. Services to pre-school and handicapped children must be coordinated and intergraded between the local sites and the school systems these children are preparing to enter. Such coordination and intergradation will be much more difficult if the programs for these children pre-K and K through 12 are in different departments. We need to take the time for this transition under the proposal that we passed this afternoon to take root before we make the move.

Lastly, up until two weeks ago, it was the Education Committee's belief that the Division of Rehabilitation Services was going to be transferred to the Dept. of Education from the Dept. of Human Services. To the Education Committee, that seemed to be the most compatible move. The transfer of Rehabilitation Services from the Dept. of Human Services to the Dept. of Education has been supported by the both departments, the Joint Standing Committee on Education, the staff of the Bureau of Rehabilitation, and two advisory groups for people who are visually impaired. The transfer has also been reviewed by the Regional Commissioner for the Rehabilitation Services Administration.

The proposal in this bill, with Committee Amendment "A", would cause this State to lose between \$1.6 and \$8.4 million in Federal Financial Assistance due to the requirements that rehabilitation programs for the blind must either be in the same agency as the general vocational rehabilitation program or in a separate agency that only serves the blind in order to submit a plan for the receipt of Federal funds. The combination of Rehabilitation Services with the Department of Education is logical. Because of the funding source for which both programs is the U. S. Dept of Education Program, and the strong program ties between rehabilitation and education in the areas of special education, vocational education, adult education, substance abuse education,

technology for people with disabilities and many more areas. I strongly urge that you support this Amendment. Thank you.

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

Senator **BERUBE:** Thank you, Madam President. Ladies and Gentlemen of the Senate. I request a division on this amendment. As the request of the representatives of those who are blind and visually handicapped, we accommodated them by creating a bureau within the Department of Education - the Bureau of the Blind and Visually Handicapped. It was at their request that we reviewed this very carefully which will also bring in Federal dollars.

We were told, on the other hand, that if we did other things with the Department of Education that we would lose Federal dollars so I personally requested a copy of the Federal law and I'm still waiting for it - perhaps it's true; but it's well and good to read it in black and white.

I think we heard the President of the Senate, earlier this week, say that everybody's saying, "what are you doing with Government, why aren't you structuring it, streamlining it - making it more workable at a lesser cost?" However, I find that everytime someone tries to do anything, it's amazing how the forces who don't wish to be disrupted, come together and defeat any attempt at reorganization or restructure, or streamlining. Having said this, however, I am very supportive of the move by our Committee (which was unanimous) moving at their request the Division of the Blind and Visually Handicapped and the other groups. If I may prevail upon you to ask your support to defeat this amendment. Thank you.

Senator **BERUBE** of Androscoggin requested a Division.

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

Senator **ESTES:** Thank you Madam President. Ladies and Gentlemen of the Senate. First, I request a roll call. Second, the question of restructuring State government has definitely been on the minds of the Education Committee members for several years.

Some of you will recall that back in the Spring of 1989, we took the Division of Higher Education from the Dept. of Educational and Cultural Services, at the time, and made the unanimous recommendation that higher education, student financial assistance programs, be run through the Finance Authority of Maine which have proven to be very worthy of that charge - that our services to students and their families continue to improve tremendously each year. It was in the last Legislative Session, that the Cultural agencies the Historic Preservation, the Arts Commission, the Library and the Museum were sprung from the Dept. of Educational and Cultural Services into a new Department of Cultural Services which has become more streamlined, most cost efficient, but unfortunately have been hurting because of the budget situation that we're in.

The other comment that I would like to make is that I have found myself as Senate Chair of the Education Committee continually doing a defense fight for D.A.D.E. (the Division of Alcohol and Drug Education Services). It seems that every year, when budget time comes up, somebody is willing to grab it and to spin it off somewhere else. The Education Committee recommended that D.A.D.E. be streamlined and we also supported the coordination legislation between D.A.D.E. and the Office of Substance Abuse.

I believe in restructuring State government but I do not believe that restructuring means just moving boxes around and placing them where they might sound to be in a better position for delivery of services. I think that D.A.D.E. and Child Development Services belong with the Dept. of Education. I think that the transfer of the Blind Rehabilitation programs is a good idea and the question had been raised on a number of occasion in the last several days of why didn't that include other parts of the Bureau of Rehabilitation with the exception of the Disability Determination Services or the DDS. Again, this was perhaps an oversight of the Committee—that we did not recognize that it was in there. As the Senate Chair of the Education Committee, I was not notified that this was going to be discussed and unfortunately I was out of state on Friday, but when I came back to Augusta on Monday morning, it was my understanding that the discussion would continue on these three issues.

I think that the proposal in this amendment is very reasonable and undoubtedly, in terms of the Child Development Services, the transition year in which we will be looking for best replacement of pre-school handicapped children services. It is important for your to know that CDS is dependent on three departments for coordinating and cooperation for those services. The Dept. of Education is the only fiscal authority for CDS through the Federal government but they also depend on the Dept. of Human Services and the Dept. of Mental and Retardation for the coordination of those pre-school handicapped services. I urge you very strongly to support this amendment. Thank you.

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

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

Senator **WEBSTER:** Thank you Madam President. Ladies and Gentlemen of the Senate. I'd like to thank the Senator from York, Senator Estes, for explaining, at length, his amendment and what it does. Frankly, a lot of us are as aware of these issues as he is and I appreciate his taking the time to give us this information. I would like to just say that as far as I'm concerned, that he may or may not be right in this matter, but we might as well accept this amendment.

In the interest of saving time, we could put any other amendment on this bill, if any other member of this body so wishes; because frankly, it will never see the light of day and will never become law. We can spend a lot of time here tonight and discuss this, but I personally, am not too particularly excited about participating in this activity. We've seen amendment after amendment and I should have realized that several amendments ago when a roll call was requested after both Committees had looked at the bill and had not accepted this.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I believe the pending question is adoption of the amendment offered by the good Senator from York, Senator Estes, and not the perception of the political ramification of the Senator from Franklin, Senator Webster.

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

Senator **WEBSTER**: Thank you Madam President. Ladies and Gentlemen of the Senate. As I have indicated, I hope that this body will endorse the Amendment as offered and I would urge this body to adopt all amendments brought forth this evening as this bill will never see the light of day.

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

Senator **ESTES**: Thank you Madam President. Ladies and Gentlemen of the Senate. I hope that the words of the Senator from Franklin, Senator Webster, was not an insinuation that this was a Christmas tree approach on my part to the restructuring bill.

If he has any questions about the legitimacy of this Amendment, I suggest that he ask the Commissioner of Education as I have been working with the Department to assure that these things do not get lost in the shuffle. They are legitimate concerns, and whether this bill, as a whole goes down, I am protecting what I think is the best interest of the children of the State of Maine who would lose potential services if this bill were to pass without this Amendment. Thank you.

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

Senator **WEBSTER**: Thank you, Madam President. Ladies and Gentlemen of the Senate. I'd like to commend, at this time again, the sincerity of the Senator from York, Senator Estes, for his Amendment. I hope, in the future, other amendments are as sincere.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **ESTES** of York to **ADOPT** Senate Amendment "H" (S-723) to Committee Amendment "A" (S-680).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "H" (S-723) to Committee Amendment "A" (S-680).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI**, **BOST**, **BRANNIGAN**, **BRAWN**, **CAHILL**, **CARPENTER**, **CLEVELAND**, **CONLEY**, **DUTREMBLE**, **ESTES**, **ESTY**, **FOSTER**, **GAUVREAU**, **GILL**, **GOULD**, **HOLLOWAY**, **KANY**, **LUDWIG**, **MCCORMICK**, **MILLS**, **PEARSON**, **PRAY**, **RICH**, **SUMMERS**, **THERIAULT**, **TITCOMB**, **VOSE**, **WEBSTER**, **PRESIDENT PRO TEM** - **NANCY RANDALL CLARK**

NAYS: Senators **BUSTIN**, **COLLINS**, **EMERSON**

ABSENT: Senators **BERUBE**, **MATTHEWS**, **TWITCHELL**

29 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **ESTES** of York, to **ADOPT** Senate Amendment "H" (S-723) to Committee Amendment "A" (S-680), **PREVAILED**.

On motion by Senator **PRAY** of Penobscot, Senate Amendment "G" (S-722) to Committee Amendment "A" (S-680) **READ**.

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

Senator **PRAY**: Thank you Madam President. Ladies and Gentlemen of the Senate. Like my good colleague from York, Senator Estes, I offer this Amendment with the intention of trying to improve the effectiveness of government. As he, in his amendment, noted that the Bureau of Rehabilitation, which was established

in 1921, was with the Department of Education until 1969 and has been properly been put back, at least by this body, to the proper function.

This amendment creates the Bureau of Land within the Department of Conservation but does not go further in consolidating the Natural Resources Agency about which many have expressed concern. The Bureau includes the critical area programs from the State Planning Office, the Community Development Programs from DECD, the Soil and Water Conservation from Agriculture, the Farm Land Registration Program from Agriculture, the Land Use Regulation Commission, Shoreland Zoning Oversight, the Natural Resource Protection Laws relating to land from DEP, the Site Location Laws from DEP, and the Voluntary Comprehensive Planning from DECD. The Bureau would be directed by the Executive Director of the Land Use Regulation Commission. The Bureau of Land Quality Control is eliminated. The Waste Management Authority is not included in this Amendment.

The reason that I offer this is, having spent the better part of a year and a half looking at the various operations of government, I find that if you want to deal with land control/land management by government, you basically had to go to five different departments. Before you could apply for one permit, you had to go through 5 different agencies before dealing with plan management for development or do any type of activities on that land. This consolidates it, puts it into one area so that when the constituents, which we represent, come to Augusta and try to deal with land management they would not have to run over to Augusta, Hallowell, and wherever else these agencies are located, to get the necessary services. I would hope that this Chamber would adopt this Amendment.

On further motion by same Senator, Senate Amendment "G" (S-722) to Committee Amendment "A" (S-680) **ADOPTED**.

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

Senator **GILL**: Thank you Madam President. Ladies and Gentlemen of the Senate. We have been here all day long and have talked this evening about good government. I would suggest to you that at twelve o'clock or 11:30 at night, when we've had a full day, that we're discussing issues that are very important to the State and that is certainly not an example of good government.

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

Senator **PRAY**: Madam President, point of inquiry. Is the pending question **ADOPTION** of Committee Amendment "A" (S-680) As Amended by Senate Amendments "F" (S-715); "C" (S-704); "H" (S-723); and "G" (S-722) thereto

THE PRESIDENT PRO TEM: The Chair will answer in the affirmative. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER**: Thank you Madam President. Ladies and Gentlemen of the Senate. I would hope that someone table at this time so that I could prepare an amendment to restructure government in the area of the Attorney General's and Secretary of State.

Senator **GILL** of Cumberland moved that the Bill be Tabled Unassigned, pending **ADOPTION** of Committee Amendment "A" (S-680) As Amended by Senate Amendments "F" (S-715); "C" (S-704); "H" (S-723); and "G" (S-722) thereto.

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

Senator **CAHILL** of Sagadahoc moved that the Bill be Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-680) As Amended by Senate Amendments "F" (S-715); "C" (S-704); "H" (S-723); and "G" (S-722) thereto.

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

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to **TABLE 1 LEGISLATIVE DAY**.

A vote of Yes will be in favor of the motion to Table 1 Legislative Day.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators **BALDACCI**, **BOST**, **BRANNIGAN**, **BUSTIN**, **CLEVELAND**, **CONLEY**, **DUTREMBLE**, **ESTES**, **ESTY**, **GAUVREAU**, **KANY**, **MCCORMICK**, **MILLS**, **PEARSON**, **PRAY**, **TITCOMB**, **VOSE**, **PRESIDENT PRO TEM - NANCY RANDALL CLARK**

ABSENT: Senators **BERUBE**, **MATTHEWS**, **TWITCHELL**

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **CAHILL** of Sagadahoc, to **TABLE 1 LEGISLATIVE DAY, FAILED**.

Senator **GILL** of Cumberland requested and received leave of the Senate to withdraw her motion to Table Unassigned.

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

Senator **WEBSTER:** Thank you Madam President. Ladies and gentlemen of the Senate. I would ask the membership to oppose the engrossing of this bill at this time. It seems to me that there is more work to be done in this Legislature when it comes to the area of restructure of state government. We are using the normal process. We are doing this, how some people might think as political reasoning - whatever the reason is - it doesn't seem that we have done enough yet to restructure government.

I've spent ten years here fighting the size of government and I am more than willing to, if so needed and wanting it to be happening, work towards that effort of downsizing government to make it more affordable to the people I represent. So I would ask that you oppose this measure and I will have amendments drafted and placed on the bill in the other body.

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

Senator **DUTREMBLE:** Thank you Madam President. Men and women of the Senate. I think we should just go on and vote for this. Obviously, if there were serious intentions to restructuring state government, the Senator from Franklin, Senator **WEBSTER**, would have had this work done a long time before the last days of the session when we're ready to adjourn.

The Senator from Penobscot, Senator **PRAY**, has worked for a long time on restructuring and this is not something that has appeared before anybody's eyes

tonight. Call it what you may, but to start putting structuring matters together a day before we are scheduled to leave, that's where the policy is late. Madam President, men and women of the Senate, I would hope that we would pass this legislation so that we can move on.

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

Senator **ESTES:** Thank you Madam President. Ladies and gentlemen of the Senate. I would like to say that there is plenty of opportunity for amending this bill further as no action having been taken by the other body, and having to come back to us. I would suggest that if there are people who are serious about this, that they be ready when the bill comes back, or talk to members of the other body as to suggestions they might have on this bill.

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

Senator **GAUVREAU:** Thank you Madam President and men and women of the Senate. I think, like many of those colleagues in this Chamber, over the last twenty minutes, have become concerned with the tone of the debate and a pronounced lack of civility in their discussion over the past hour. If I'm fortunate, I have perhaps one day left to serve; I'd like to serve that in an atmosphere of civility and rationality. I'm sure you would as well; therefore, I request my colleagues to, even at this late hours, to approach the matters we're engaging in, with a sense of dignity I know you want to bring to these proceedings. I have the greatest respect for all of you in this Chamber although we occasionally disagree on philosophy, we all have the public's interest at heart. I think we should harken back to those at times like these. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (S-680) As Amended by Senate Amendments "F" (S-715); "C" (S-704); "H" (S-723); and "G" (S-722) thereto.

The Chair ordered a Division.

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

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

18 Senators having voted in the affirmative and 14 Senators having voted in the negative Committee Amendment "A" (S-680) As Amended by Senate Amendments "F" (S-715); "C" (S-704); "H" (S-723); and "G" (S-722) thereto, **ADOPTED**.

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

On motion by Senator **PRAY** of Penobscot, the Senate **SUSPENDED THE RULES** and ordered L.D. 2354 sent forthwith to the Governor.

On motion by Senator **MILLS** of Oxford, the Senate **SUSPENDED THE RULES** and ordered L.D. 2416 sent forthwith to the Governor.

On motion by Senator **PRAY** of Penobscot, **ADJOURNED** until Friday, March 27, 1992, at 11:00 in the morning.