

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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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

Friday

March 27, 1992

Senate called to Order by the President.

Prayer by the Honorable Jeffery N. Mills of Oxford.

SENATOR JEFFERY N. MILLS: I would like to mention since the prayer is rather long I will be pausing in the middle for anyone who would like to pray out loud. It is a rather long prayer because it is one of my last chances to speak to all of you. As you know, today is scheduled to be the last day that we will be here.

I would like to give thanks for the two Charlie's without which we would have no fun at all. I would like to thank Twitch, Ray, and Bob for allowing me to be a member of the exclusive Sand & Gravel Boys. I would like to thank Don, Margaret, Dave, Jerome, and Georgette who walk softly but have a very big presence in the Chamber. I would like to thank Nancy for all her motherly advice. I would like to thank Harry for reminding that it is never too late to have a little Bill in the Session. I would like to thank Judy who has hardly ever been at my committee but still knows more than I do about any subject we bring up. I have never known, since I have been here, a rank and file member who has had a better presence upon the Senate and will be better remembered. I would like to thank Senator Conley who gives Toys R Us their famous motto. I would like to thank Duke and John for always reminding me when I am standing that I am voting the wrong way. I would like to thank Pam who I have known for many years and gets better with age. I would like to thank Ruth and Joe from Appropriations and I hope they will find a way to get us out of this mess. I would like to thank Dale McCormick and John Cleveland for always trying to confuse us with the facts. I would like to thank Bonnie who has brains and beauty. I appreciate that. I would like to thank Senator Gauvreau whose speeches made me realize my lack of education and the need to go back to school. I would like to thank Senator Matthews for being the conscience of the Senate and Senator Esty who always wants to go to breakfast five minutes before the Session starts. Senator Collins and Senator Gill's temperaments will be sorely missed. I would like to thank Senator Estes our master of education. I would like to thank Senator Summers whose style and looks are what I want to be when I grow up. I would like to thank Senator Brawn and Senator Bost who wouldn't know what to say if they didn't have each others speeches to quote back to each other. I would also like to thank Senator Bustin who took me in ten years ago when I first came down here to work at the Secretary of State's Office. She didn't even know me and I only had a bicycle. She took me into her house and let me stay there. I would like to thank my two seatmates, Senator Pearson who reminds us that we are not the only beings with souls in this universe and Senator Holloway who I plan to take with me.

I would like to thank Joy and Pam for always making us look like we know what we are doing when we stand up to make motions. I especially want to thank all the staff who show us what a class act the Senate truly is. I want to thank them especially. For all these things we do so deeply pray and give thanks. Amen.

Off Record Remarks

Reading of the Journal of Thursday, March 26, 1992.

Off Record Remarks

**PAPERS FROM THE HOUSE
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; H "A" H-1247; H "B" (H-1278) 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); "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); "E" (S-685) AND HOUSE AMENDMENTS "A" (H-1247); "B" (H-1278) thereto, in NON-CONCURRENCE.**

In Senate, March 26, 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); "F" (S-689) AND HOUSE AMENDMENTS "A" (H-1247); "B" (H-1278) thereto, in NON-CONCURRENCE.**

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

On motion by Senator **EMERSON** of Penobscot, the Senate **RECEDED** and **CONCURRED.**

Non-concurrent Matter

Bill "An Act to Establish a Professional Standards Board for Maine Educators"

H.P. 1316 L.D. 1902
(C "A" H-1223)

In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1223), in concurrence.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1223) AS AMENDED BY HOUSE AMENDMENT "A" (H-1289) thereto, in NON-CONCURRENCE.**

On motion by Senator **ESTES** of York, the Senate **RECEDED** and **CONCURRED.**

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECONSIDERED** its action whereby the Senate **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**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-1223), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-687) to Committee Amendment "A" (H-1223) 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 is a technical amendment that amends the fee for licensure and in so doing enables the Board of Certification to be self funded. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-687) to Committee Amendment "A" (H-1223) **ADOPTED.**

Committee Amendment "A" (H-1223) As Amended by Senate Amendment "A" (S-687) thereto, **ADOPTED** in **NON-CONCURRENCE.**

On motion by Senator **BRAWN** of Knox, 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 **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE** (Roll Call Ordered).

Off Record Remarks

Non-concurrent Matter

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)

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-683).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1292)** in **NON-CONCURRENCE.**

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

Senate at Ease

Senate called to order by the President.

Non-concurrent Matter

Bill "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants"

S.P. 829 L.D. 2133
(H "A" H-1234 to C "A" S-610)

In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-610) AS AMENDED BY HOUSE AMENDMENT "A" (H-1234)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-610) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1234) AND "B" (H-1294)** 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 Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act"

S.P. 877 L.D. 2238
(S "A" S-638; S "B" S-701 to C "A" S-633)

In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-633) AS AMENDED BY SENATE AMENDMENTS "A" (S-638) AND "B" (S-701)** thereto, in **NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-633) AS AMENDED BY SENATE AMENDMENTS "A" (S-638); "B" (S-701) AND HOUSE AMENDMENT "B" (H-1287)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards" (Emergency)

H.P. 1664 L.D. 2341
(H "A" H-1264 to C "A" H-1180)

In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1180) AS AMENDED BY HOUSE AMENDMENT "A" (H-1264)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1180) AS AMENDED BY HOUSE AMENDMENT "B" (H-1288)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

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

H.P. 1679 L.D. 2356
(S "E" S-717 to C "A" H-1131)

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).**

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY SENATE AMENDMENT "E" (S-717)** thereto, in **NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY SENATE AMENDMENT "E" (S-717)** thereto, **AND HOUSE AMENDMENT "A" (H-1141)** in **NON-CONCURRENCE.**

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** and **CONCURRED.**

Non-concurrent Matter

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

H.P. 1716 L.D. 2401
(C "A" H-1184)

In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1184),** in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1184) AND HOUSE AMENDMENTS "A" (H-1283); "B" (H-1291)** in **NON-CONCURRENCE.**

On motion by Senator **BOST** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

House Papers

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

H.P. 1770 L.D. 2453

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

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

Bill "An Act to Amend the East Pittston Water District Charter" (Emergency)

H.P. 1769 L.D. 2452

Committee on **UTILITIES** 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 and **ORDERED PRINTED**.

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy" (Emergency)

H.P. 1299 L.D. 1879

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT**.

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

The Bill **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT**, in concurrence.

Off Record Remarks

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1768 L.D. 2451

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1507.

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

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

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

Senate

Ought to Pass As Amended

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring"

S.P. 910 L.D. 2330

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-725).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-725) **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.

SECOND READERS

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

Senate As Amended

Bill "An Act to Restructure State Government" (Emergency)

S.P. 929 L.D. 2384

(S "F" S-715; S "C"

S-704; S "G" S-722; S

"H" S-723 to C "A"

S-680)

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

Sent down for concurrence.

Off Record Remarks

ENACTORS

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

An Act to Prevent Procurement of Controlled Substances through Fraud

H.P. 1582 L.D. 2232

(H "A" H-1270 to C "A"

H-1170)

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

Emergency

An Act to Implement the Jobs Creation Bond Package

H.P. 1708 L.D. 2389

(H "C" H-1280)

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:

PAPERS FROM THE HOUSE

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

(H "A" H-1274; S "A"

S-716 to C "A" S-679)

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENT "A" (H-1274) AND SENATE AMENDMENT "A" (S-716)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1274); "B" (H-1295) AND SENATE AMENDMENT "A" (S-716)** thereto, in **NON-CONCURRENCE**.

On motion by Senator ESTES of York, the Senate **RECEDED and CONCURRED**.

Non-concurrent Matter

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

S.P. 945 L.D. 2409
(C "A" S-666)

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-666)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-666) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1200); "F" (H-1290)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

Off Record Remarks

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

Senate at Ease
Senate called to order by the President.

ORDERS OF THE DAY

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

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

H.P. 620 L.D. 890
(C "A" H-884)

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

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

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

On motion by Senator GOULD of Waldo, 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, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-884), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-652) to Committee Amendment "A" (H-884) **READ**.

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

Senator GOULD: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment allows the continuance of the presence of the Department of Human Services in the county of Waldo and a presence in Lincoln and Oxford counties. There will be a review set up by the Department of Human Services of all three counties to find out whether they really need the presence of the Human Services or not. They will come back to the Human Resources Committee by November 1, 1993. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-652) to Committee Amendment "A" (H-884) **ADOPTED**.

Committee Amendment "A" (S-884) As Amended by Senate Amendment "B" (S-652) 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.

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:

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**.)
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 Later Assigned (3/26/92) matter:

Bill "An Act to Legalize Marijuana for Medicinal Purposes"

H.P. 1729 L.D. 2420
(C "A" H-1281)

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

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

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

On motion by Senator CONLEY of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1281), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-726) to Committee Amendment "A" (H-1281) **READ**.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the technical

amendment which I had referred to yesterday during the brief debate on this measure which was prepared by the Office of Policy & Legal Analysis in conjunction with the Attorney General's Office. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-726) to Committee Amendment "A" (H-1281) **ADOPTED**.

Committee Amendment "A" (H-1281) As Amended by Senate Amendment "A" (S-726) 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.

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

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1591 L.D. 2245

Tabled - March 18, 1992, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-1130), in concurrence

(In House, March 17, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1130)**.)

(In Senate, March 18, 1992, Committee Amendment "A" (H-1130) **READ**.)

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) **READ**.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was moved to put on this amendment after attending the RJR Reynolds Lobster Bake last month. I got to wondering if that kind of event was reportable and found upon looking that it was not. While lobbyist have to report meals and entertainment lumped into their full report, they do not have to pull out when there is an event like that. After talking to the Secretary of State, the Revisors Office, the Chairs, and the Sponsors, we worked out an amendment that would pull out and create a category called meals and entertainment activity wherein lobbyist would need to report if they took five or more officials of the legislature out to dinner. They would not have to report their names unless the expense of that meal was \$25.00 or more. That is the same standard we have now.

I like this Bill a lot and I by no means want to change its intent. I think this amendment has the consent of all involved and I urge you to consider it positively. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have looked at this amendment but it was so long ago I forget what the cross references were. I would like to ask a question. Does this mean if a member of the lobby does any type of entertaining, if they buy you a cup of coffee or sandwich, that would be entertainment and therefore a reportable item? Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. No it does not mean that. It particularly refers to meals for five or more Legislators or administrative officials. We did not want to include the hot dog or the cup of coffee. That is why we wrote it that way. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Is there an amount limit? If I happen to be having lunch in the cafeteria with five Legislators and a lobbyist joins us, is that included in this amendment? Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Only if the lobbyist pays for the meals of the Legislators at the table. If there are five or more Legislators and a lobbyist takes them to dinner and pays for the meal, it has to be reported by the lobbyist under this new amendment. That lobbyist does not have to note the names of the Legislators unless each meal was over \$25.00. If five of us find ourselves having lunch with a lobbyist and we are all paying for our own meals that is not covered by this amendment. That is not something they paid for so they don't need to report it. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would respectively suggest to my co members of the Senate it is probably not a good idea to accept a meal or cup of coffee from a lobbyist. You ought to be paying for your own in every instance. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am trying to make this clear in my mind so the lobby is clear in their mind and there is no confusion if this Bill is passed. The reason I ask this is because I talked to Legislators and lobbyist in other States. In other States the reporting requirements are even more stringent than they are in Maine. Even if a group was sitting around having a soda and one person picked up the tab, the way I read this it would be reportable. I want to say for the record I don't have the disdain for the lobby that some people apparently have in this Legislature and I am not referring to anyone in this Body. I happen to believe the lobby plays an important part in this legislative process. Some of my very best personal friends happen to be lobbyists.

Sometimes toward the end of the year a number of the lobbyist will bring in cookies or a fruit basket to say thanks for all your support. That type of a contribution would be to five or more Legislators. I don't think the intent of the individual lobbies that do that is to influence us. I think it is their intent to say thank you for working so hard and we appreciate it. Another example of that would be candy bars we were given the other day. I, for one, appreciate the Maine Association of Realtors for giving me a candy bar because I needed the sugar at that point. That would be a reportable expense. I am asking this Senate do we want to go that far? Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment adds a category of reporting for lobbyist called meal and entertainment activity which we have been discussing. The part that I think is important is Part M. On their monthly report that all lobbyist have to do, they will now be asked to report "the date and total amount of money expended for each meal and entertainment activity." That is a meal or entertainment for five or more officials in the Legislative or Administrative Branch.

I have the same feeling as the good Senator from Sagadahoc, Senator Cahill about the importance of the lobbyist as information givers to the Legislature. I do think that the public has a right to know when indirect contact is made between a paid lobbyist and public officials. Before this time the category of reportability was worded such that it was activity directly affecting legislation. In the case of the RJR Reynolds Lobster Bake and the expense that was expended by the RJR Reynolds Nabisco Company deserves to be reported in and of itself. We deserve to know how much money was spent on that affair even though there was not one piece of Legislation discussed during that by any officials of that company. The more light of day that shines on these processes the better. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Thank you for answering the questions. I tend to agree with the good Senator that the more light that shines is better, therefore, I will vote for her amendment. I want it on the record, that we are drastically changing the relationship of the people that work in this building. Thank you.

On further motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) **ADOPTED.**

Committee Amendment "A" (H-1130) As Amended by Senate Amendment "A" (S-664) 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.

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

PAPERS FROM THE HOUSE

Joint Resolution

From the Committee on **HOUSING & ECONOMIC DEVELOPMENT**, pursuant to Joint Order H.P. 1766, the following Joint Resolution:

H.P. 1771

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO URGE THE RETENTION

OF SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

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

WHEREAS, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

WHEREAS, the availability of small issue industrial development bonds is critical to the economic development of Maine, providing expansion, diversification of the manufacturing sector and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity and quality critical to the long-term stability of the State's manufacturing base; and

WHEREAS, in the past 7 years, small issue industrial development bonds resulted in investments of approximately \$500,000,000 in Maine and the retention or creation of over 35,000 jobs in the State and enhanced the tax base of municipalities throughout the State; and

WHEREAS, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation forthwith to eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

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

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

Which was **READ** and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:
**ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE HOUSE STATION 120
AUGUSTA, MAINE 04333**

March 16, 1992

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

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1991. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

The Advisory Commission's office is on the third floor of the Maine State Retirement System building

at the corner of Sewall and Capitol streets. The office telephone number is 289-3059. If no one answers (the staff is mostly part-time), our toll-free telephone number, 1-800-453-4013, is connected to a 24-hour answering machine. You are cordially invited to call whenever you or your constituents need information about radioactive waste management.

Sincerely,
S/Rep. James Mitchell
Chair
Advisory Commission
on Radioactive Waste

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

March 26, 1992

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) (C. "A" H-1173 and H. "B" H-1175):

Representative LEMKE of Westbrook
Representative MAHANY of Easton
Representative LORD of Waterboro

Sincerely,

/Edwin H. Pert

Clerk of the House
Which was READ and **ORDERED PLACED ON FILE.**

ORDERS

Joint Resolution

On motion by Senator CLARK of Cumberland (Cosponsored by: Representative CLARK of Brunswick, Senator CAHILL of Sagadahoc, Representative MARSANO of Belfast) the following Joint Resolution:

S.P. 971

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND THE CONGRESS OF THE UNITED STATES
TO SUPPORT THE LEGAL AVAILABILITY OF
RU-486 FOR APPROPRIATE RESEARCH AND,
IF INDICATED, CLINICAL PRACTICE**

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

WHEREAS, the antiprogesterone steroid, mifepristone, known as RU-486, has been approved and available in France since November 1988; and

WHEREAS, RU-486 may be used to promote normal delivery in childbirth, reducing the need to perform Caesarean sections; and

WHEREAS, the medical community has identified RU-486 as an important treatment for illnesses, including breast and brain cancer, gynecological malignancies, osteoporosis, Cushing's disease and other serious conditions; and

WHEREAS, the American Medical Association, the American Public Health Association, the American College of Obstetricians and Gynecologists and the American Association for the Advancement of Science have formally recognized the importance of RU-486 and support the testing of RU-486 in the United States; and

WHEREAS, RU-486 has been developed and tested in Europe and has been shown to be an efficacious and safe means of terminating early pregnancy when administered orally early in pregnancy by an appropriately trained physician; and

WHEREAS, the use of such a medication for terminating early pregnancy constitutes a potentially significant medical and public health gain in terms of cost, efficacy, safety, ease of use and privacy of the physician-patient relationship; and

WHEREAS, it is in keeping with basic medical standards to avoid surgical procedures whenever an equally effective non-invasive alternative is available; and

WHEREAS, medical research that involves this technology has been stalled because of political biases that overshadow the drug's benefits in treating diseases that are killing American women and men; and

WHEREAS, the Food and Drug Administration's import alert against RU-486 has thwarted the availability of RU-486 in the few scientific research studies conducted in the United States; and

WHEREAS, all American citizens are entitled to the best medical research and this drug may be the solution to many serious conditions affecting the nation's health; and

WHEREAS, the introduction of RU-486 into the United States should be encouraged for its significant medical value; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to support the legal availability of RU-486 for appropriate research and, if indicated, clinical practice; and be it further

RESOLVED: That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; the manufacturers of RU-486, Roussel UCLA, 35 Boulevard des Invalides 75007, Paris, France; and the Food and Drug Administration.

Which was READ and ADOPTED.
Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

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

On motion by Senator **ESTY** of Cumberland, **RECESSED** until 5:00 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:

COMMITTEE REPORTS
Senate

Ought to Pass As Amended

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Resolve, to Implement Total Quality Management Procedures in State Government (Emergency) S.P. 907 L.D. 2327

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-731)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-731) **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.

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

SENATE PAPERS

Bill "An Act Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992." (Emergency)

S.P. 972 L.D. 2456

Presented by Senator **PEARSON** of Penobscot (GOVERNOR'S BILL)

Cosponsored by Senator **FOSTER** of Hancock Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** 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:

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish Economic Recovery Tax Credits" (Emergency)

S.P. 960 L.D. 2430
(C "A" S-713)

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-713)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1299)** in **NON-CONCURRENCE**.

Senator **COLLINS** of Aroostook moved that the Senate **INSIST AND ASK FOR A COMMITTEE OF CONFERENCE**.

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

The same Senator requested a Division.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You may recall that we discussed this matter yesterday. This provides some tax incentives, investment credits, and jobs. I think it has great merit. The amendment that was placed upon it in the other Body essentially strips the Bill entirely and provides for a study of the issues reporting later. Part of the importance of this Bill is the need and the peace that provides for a one time job credit for investments in the amount of 20% of tax liability for that investment.

It seems to me if we are talking jobs it is important to get this in place quickly. I think there is a general feeling in both parties, that this Bill has a substantial amount of merit. I would be very disappointed if we were to brush it aside so lightly without attempting to see if we couldn't resolve our differences. Receding and Concurring with the other Body will automatically kill the Bill and provide for the study. I am sure that in due course that study would lead to a Bill that would provide most of what we are talking about in this Bill. I don't think it would happen in a timely manner. I think there is an opportunity to resolve those differences. I would urge you to vote against the motion to Recede and Concur. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As the good gentlemen from Aroostook, Senator Collins has indicated, there are in fact merits to the Bill which you have before you. This Bill was amended in the other Body and I believe I made reference to the fact that there were some positive aspects to this initiative. Yesterday, I approached the good Senator from Aroostook, Senator Collins and asked if knowing that the Bill faced an uncertain fate in the other Body, would he be agreeable to sending this to the Taxation Committee in the form outlined in this amendment so we could study it rather than see it defeated. Perhaps we could fine-tune the package in committee and send it forthwith through enabling Legislation. Whether that be in the Special Session or the First Regular Session of the 116th Legislature. The good Senator opted out of that, thus the Bill is before you in its amended form.

If we pass this Bill in the amended form, I believe it stands a very good chance of passage. If this is a noteworthy proposal and the facets within the proposal are noteworthy, establishing various economic recovery tax credits, then I think they deserve a thorough hearing which we did not have in the Taxation Committee. We had a public work session but not a public hearing. I think it deserves no less than that. There are ways in which we can make this a better package and send something forward, hopefully, this year.

The study as proposed in the amendment before you would do the following. It would study creating a one time investment tax credit on business machinery and equipment. Equipment limited to \$1,000 per employee against tax imposed on Title 36 Part A in the amount of 50% of the amount of educational assistance that qualifies for exclusion from the gross income of employees of the taxpayer for the taxable year. It gives a credit against the tax imposed equal to 1.5% of the taxpayers qualified investment. It also would enable the committee to study a credit for the taxpayer that constitutes an

employing unit against the tax imposed in the amount of \$1,000.00 multiplied by the taxpayers new jobs equivalent. These are a number of the things included in the good Senator's original Bill. It would require that the Joint Standing Committee take under advisement these and other issues and put forth something that was far reaching.

I would hope that you would vote to recede and concur so we can keep this initiative alive and so the good Senator from Aroostook, Senator Collins and the rest of his colleagues on the Joint Standing Committee on Taxation can create something we can all support. We can move forward and create meaningful jobs for this economy. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. My good colleague and chairman of the Taxation Committee, the Senator from Penobscot, Senator Bost and I are in substantial agreement on this Bill. It is rather unfortunate that we have to delay the implementation of it. The economy right now needs to respond to stimuli. It seems to me there are great pieces of this Bill that need early action.

When I suggested a Committee of Conference, I am groping for some alternative to where we find ourselves. The study proposal is pretty apt to end up in something that won't do very much this year. There is some middle ground that we might discover in a Committee of Conference that would enable us to hasten some affirmative action. I would urge you to defeat the motion to recede and concur and then go on to insist on a committee of conference. Thank you.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have listened to the current and former debate on this issue with great interest. While I have listened to both Senators, the good Senator from Penobscot, Senator Bost and the good Senator from Aroostook, Senator Collins, I admit that I am a bit confused or perhaps just wasn't attentive enough as to why the amended version that is the focus of the pending motion is unacceptable. It seems particularly advisable in these days with special emphasis on our experience as Legislators. We have spent the greatest proportion of our time, focus, and energy addressing consistent and persistent projected revenue shortfalls. While we are supportive of Maine's business community and do in concert support the creation of jobs, I am interested in knowing the amount of anticipated tax credit which will be a liability for the State in the future. I understand from a quick review of the Bill and the amendment that is a liability that will be the responsibility of the State beyond 1994. To the extent that our economy may not have turned around and that liability which will come due will impact of future Legislatures, I have some reservations. I guess I seek from members of the Committee on Taxation some assurance that this is not going to impact negatively the operations of State Government as have our persistent projected revenue shortfalls.

Furthermore, if the Legislative Committee on Taxation has an opportunity to review the advisability of creating several income tax credits, then I find that to be a responsible activity. Frankly, I would feel more secure relative to this proposal. Thank you Mr. President.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Although the good Senator from Cumberland, Senator Clark did not direct a specific question, I think it is important to refresh members of this Body about an issue that was raised in her comments. That issue is that the Bill before you will, in fact, cost the State \$35,000,000 in the next biennium in lost revenue. Divided up that is \$20.1 million in FY94 and approximately \$14.8 million in FY95. Once that piece is in place it will then cost approximately \$20,000,000 per year when the credits, which are enumerated in the good Senator's proposal, are phased in. Again I reiterate the Committee is not opposed to the concept of enhancing the economy through mechanisms such as this. I think most would agree that something of this magnitude cannot be done with a public hearing or within this time span of three days. I think we need to look at and deliberate on it. We could, in fact, emerge in Special Session with something which is identical to what you have before you. We need to take that time. To do otherwise would be rushing headlong into something we may be saddling future Legislatures with. I think that would be problematic. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is absolutely true, in due course, that this will create a liability if it is at all successful for the State in terms of lost revenue. It is equally true, if it is successful, it will create additional property taxes for our municipalities wherever these investments take place. Given the cry for relief from local property taxes, it seems to me that ought to offset whatever cost there may be to State Government. Furthermore, if it is successful it will create more jobs, more sales tax, and more income tax to the State of Maine. It is not just a cost that is up there. It is also a producer of additional revenues.

Out of respect to hurrying into this, I would remind you that yesterday we talked about the Jobs Commission that made the recommendation outlined in this Legislative proposal. Those people did studies and their report dated February 14, 1992 outlined the proposal that are in this Bill. They are a result of considerable amount of study by people in the public sector, private sector, organized labor, and in academia. Everyone was involved to some extent in the work, the study, and the completion of that report. I am suggesting to you that if we were to go to a Committee of Conference, perhaps we could resolve some of these issues. It seems to me it is a very important and timely issue. I can't get a great deal of comfort out of the idea of putting it off to a study that might not result in any activity until next Fall or Spring. I would urge you, once more, to reject the motion to recede and concur. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BOST** of Penobscot that the Senate **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of the motion to **RECEDE** and **CONCUR**.

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, BUSTIN, CLARK, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, MCCORMICK, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BERUBE, BRAWN, CAHILL, CARPENTER, CLEVELAND, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER

ABSENT: Senators BALDACCI, MATTHEWS

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator BOST of Penobscot, that the Senate RECEDE and CONCUR, FAILED.

On motion by Senator COLLINS of Aroostook, the Senate **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE.**

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:

SECOND READERS

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

House

Bill "An Act to Amend the East Pittston Water District Charter" (Emergency)

H.P. 1769 L.D. 2452

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

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

H.P. 1770 L.D. 2453

Which was **READ A SECOND TIME.**

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a question I would like to pose before we proceed with the final vote. In reading over this Bill and having had some questions, I note that Sinclair has some need to locate a facility for sanitary disposal. I noticed a provision under Section 1 Number 2 and I will read it. It says, "The Director of the Bureau of Public Lands uses all the proceeds from the sale of this parcel for the purchase of public land within the township and holds those proceeds until that purchase is made."

This allows that piece of public land in a township to be transferred to the Sinclair Sanitary District and they must pay the fair market value for that land not to exceed 200 acres of land. My question I would pose to any member who may be able to answer it, is it usual and customary that we dedicate that only public lands can repurchased within the same township or is there some other procedure for making determinations on appropriate investment in public lands where they be the greatest value to the citizens of this State? Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. As I understand it, the Bureau of Public Lands frequently tries to replace land that they sell with other land in the same area. I don't know that they always succeed in replacing it in the same township. Sinclair happens to be an unorganized township in Aroostook County. I think they have holdings there they would like to maintain and they would be anxious to replace it with other lands close by. I don't know of any particular rule or statute that requires them to do this. I know they frequently do this. That is the only response that I have the knowledge to give you. Thank you.

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. I thank the good Senator from Aroostook, Senator Collins. Certainly, I have no intention of restricting the Bureau of Public Lands from making purchases that are appropriate and necessary in the general public interest. My concern is that we may perhaps be setting a precedent or pattern that in the future may restrict the flexibility in the benefit of the public dollars that are spent within that area.

I did take occasion to speak to some representatives of the Division of Conservation who are involved in this. The responses I got were that this was not a particular provision they had any great interest in nor would they look to maintain that particular interest. They would be willing to look at all lands including that area. I would ask if we could get a response from the Bureau whether this was something they wish to maintain and what their opinion was about it before we took further action. Thank you.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "A" (S-732) **READ AND ADOPTED.**

On motion by Senator CLEVELAND of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee, in **NON-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 to Reform Unemployment Compensation Guidelines in Maine"

H.P. 1486 L.D. 2098
(H "A" H-1199 to C "A" H-1189)

In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1189) AS AMENDED BY HOUSE AMENDMENT "A" (H-1199)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1189) AS AMENDED BY HOUSE AMENDMENT "B" (H-1298)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act Relating to Legislative Confirmation Hearings"

S.P. 894 L.D. 2299
(S "B" S-718; H "B" H-1148)

In Senate, March 26, 1992, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-718) AND HOUSE AMENDMENT "B" (H-1148) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-718) in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BERUBE for the Committee on STATE & LOCAL GOVERNMENT on Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (Emergency)

S.P. 232 L.D. 586

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-733).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-733) 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.

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 Restructure State Government" (Emergency)

S.P. 929 L.D. 2384

(S "C" S-704; S "F"

(S-715); S "G" S-722; S

"H" S-723 to C "A"

S-680)

In Senate, March 27, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-680) AS AMENDED BY SENATE AMENDMENTS "C" (S-704); "F" (S-715); "G" (S-722); "H" (S-723) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-680) AS AMENDED BY SENATE AMENDMENTS "C" (S-704); "H" (S-723) AND HOUSE AMENDMENT "A" (H-1297) thereto, in NON-CONCURRENCE.

The Chair moved that the Senate ADHERE.

Senator WEBSTER of Franklin moved that the Senate RECEDE and CONCUR.

Senate at Ease

Senate called to order by the President.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am a little confused here. What does the House Amendment do? If we recede and concur, what does it do? Thank you.

THE PRESIDENT: The Senator from York, Senator Dutremble poses a question through the Chair.

Senator KANY of Kennebec requested a Division.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am looking over the House Amendment and I would like to ask the good Senator from Franklin, Senator Webster if he knows what this amendment does before we vote on it? Thank you.

Senator WEBSTER of Franklin requested and received leave of the Senate to withdraw his motion that the Senate RECEDE and CONCUR.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the Bill I had listed on my table as the infamous Christmas Bill. For that reason I suggested we ought to tack some more amendments on it. It didn't really matter to me at this point whether we had House Amendment (H-1297) or several others since it was destined to be defeated. Thank you.

THE PRESIDENT: The Chair would advise the Senator that he wishes he would keep his comments in reference to the issue and keep within the framework of the Mason Rules of Order when debating subject matter and not questioning the legitimacy of other people who may have supported a variety of amendments. The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I really don't know if this is a good amendment or not. We did talk on quite a few amendments yesterday that were good amendments. We had some serious and responsible discussion on that. There appears to be an amendment that was introduced by the other Body. I would like to know if anyone knows what this amendment does before we vote on it. I apologize to the good Senator from Franklin, Senator Webster if he got the wrong idea. I thought when he made the motion to recede and concur he knew what the amendment was. I still would like to know what this amendment does. Thank you.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. House Amendment (H-1297) has to do with the Bureau of Family and Children. If we keep debating long enough I am sure the good Senator from Cumberland, Senator Gill would have time to check it out and find out what the amendment does. Thank you.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. There is one feature in the House Amendment that tickles my fancy. That feature is it abolishes the Board of the Maine Children's Trust Fund which as I read from the Statement of Fact, has not had any members since 1991. It was, I believe this very Body as well as the Legislative Committee on Human Resources that guarded the retention of that entity when the good Senator from Androscoggin, Senator Berube and I joined forces and attempted to abolish that very same Board and divert the monies that were used for administrative costs into services for Maine's children.

This amendment, in large measure, represents the establishment of a Bureau of Children & Family Services along the lines that should be familiar to those of us who have been working on this issue for

four years. I find it acceptable and would have supported the motion on behalf of the good Senator from Franklin, Senator Webster to recede and concur. I think the attachment of House Amendment "A" (H-1297) to Committee Amendment "A" (S-680) is a very positive and constructive addition. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion that the Senate **ADHERE**.

Senator **CAHILL** of Sagadahoc moved that the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc, that the Senate **RECEDE** and **CONCUR**.

A Division has been ordered.

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 7 Senators having voted in the negative, the motion by Senator **CAHILL** of Sagadahoc that the Senate **RECEDE** and **CONCUR**, **PREVAILED**.

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** Bill "An Act to Fund an Additional Child Protective Services Caseworker Position" (Emergency)

S.P. 835 L.D. 2139

Senate at Ease

Senate called to order by the President.

SECOND READERS

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

Senate

Bill "An Act Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992." (Emergency)

S.P. 972 L.D. 2456

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

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

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until 7:00 in the evening.

After Recess

Senate called to order by the President.

On motion by Senator **MILLS** of Oxford, **ADJOURNED** until Saturday, March 28, 1992, at 12:00 in the afternoon.