

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Index

SECOND CONFIRMATION SESSION

May 20, 1992

Index

THIRD CONFIRMATION SESSION

August 19, 1992

Index

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

Index

FOURTH SPECIAL SESSION

October 16, 1992

Index

FOURTH CONFIRMATION SESSION

November 19, 1992

Index

HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

In Senate Chamber

Tuesday

March 31, 1992

After Recess
Senate Called to Order by President.

Senate at Ease
Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992**

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which
was placed before the Committee on Housing and
Economic Development during the Second Regular
Session of the 115th Legislature has been completed.
The breakdown of bills referred to our committee
follows:

Total number of bills received	8
Unanimous reports	7
Leave to Withdraw	0
Ought to Pass	2
Ought Not to Pass	2
Ought to Pass as Amended	2
Carry Over	
Divided reports	1
Bills reported out pursuant to Joint Order	4
Resolutions reported out pursuant to Joint Order	1

Respectfully submitted,

S/Sen Zachary E. Matthews S/Rep. Rita B. Melendy
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE.**

The Following Communication:
**COMMITTEE ON JUDICIARY
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 27, 1992**

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which
was placed before the Committee on Judiciary during
the Second Regular Session of the 115th Legislature
has been completed. The breakdown of bills referred
to our committee follows:

Total number of bills received	82
Unanimous reports	72
Leave to Withdraw	5
Ought to Pass	7
Ought Not to Pass	26
Ought to Pass as Amended	32
Rereferred	1
Carry Over	1
Divided reports	10

Respectfully submitted,
S/Senator N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE.**

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
March 31, 1992**

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

The House today voted to Insist and Join in a
Second Committee of Conference 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)

The Speaker appointed the following members of
the House to the Committee:

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

Sincerely,
S/Edwin H. Pert
Clerk of the House

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

The Chair appointed as conferees on the part of
the Senate:

Senator PEARSON of Penobscot
Senator BALDACCI of Penobscot
Senator GILL of Cumberland

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 to Discourage Illegal Dumping of Waste
H.P. 1560 L.D. 2198
(S "A" S-766 to C
"A" H-962)

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

S.P. 916 L.D. 2353
(S "A" S-772 to C
"A" S-632; H "A"
H-1248)

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 Concerning Reasonable Standards and Procedures for Contracting Services by the State
 H.P. 1669 L.D. 2345
 (S "A" S-688; S "B" S-773 to C "A" H-1174)

Senator **CAHILL** of Sagadahoc requested a Division. **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.

12 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

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

Emergency

An Act to Prevent the Poaching of Aquaculture Products

H.P. 1562 L.D. 2200
 (H "A" H-1100; S "B" S-771 to C "A" H-1016)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being 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 Regarding Concealed Weapons Permit Fees

H.P. 1601 L.D. 2263
 (H "A" H-1147; S "A" S-778 to C "A" H-1138)

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

On further motion by same Senator, Tabled until Later in Today's Session, pending **ENACTMENT** (Roll Call Ordered).

Emergency

An Act to Strengthen Maine's Governmental Ethics Laws

H.P. 1618 L.D. 2279
 (S "A" S-767 to C "A" H-1061)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No 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.

ORDERS OF THE DAY

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

Emergency

An Act Regarding Concealed Weapons Permit Fees

H.P. 1601 L.D. 2263
 (H"A" H-1147; S"A" S-778; to C"A" H-1138)

Tabled - March 31, 1992, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT** (Roll Call Ordered)

(In Senate, March 31, 1992, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, March 31, 1992, **PASSED TO BE ENACTED**.)

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to withdraw his motion for a Roll Call.

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No 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 to Ensure the Long-term Stability of Sheltered Group Homes in Maine

H.P. 1666 L.D. 2342
 (S "A" S-769 to C "A" H-1084)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No 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 Resolve

Resolve, to Ensure Protection and Family Support for Maine's Children

H.P. 1633 L.D. 2297
 (S "A" S-768 to C "A" H-1110)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 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.

Off Record Remarks

On motion by Senator **SUMMERS** 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**

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

H.P. 507 L.D. 701
(H "B" H-1035; S "B"
S-774 to C "A" H-1007)

In Senate, March 30, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1007) AS AMENDED BY HOUSE AMENDMENT "B" (H-1035) AND SENATE AMENDMENT "B" (S-774)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1007) AS AMENDED BY SENATE AMENDMENT "B" (S-774)** thereto, in **NON-CONCURRENCE**.

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

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

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

ENACTORS

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

An Act to Ensure that Certain Sales by Boy Scouting and Girl Scouting Organizations Are Exempt from the Sales Tax

S.P. 806 L.D. 2005
(C "A" S-650)

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

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

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

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

ENACTORS

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

An Act to Provide for Dissolution of a Union School or Withdrawal from a Union School

S.P. 682 L.D. 1810
(S "A" S-764 to C "A"
S-540)

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

H.P. 1417 L.D. 2029
(S "A" S-765 to C "A"
H-940)

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

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

ENACTORS

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

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

S.P. 821 L.D. 2115
(S "A" S-784 to C "A"
S-557)

Which 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:

ENACTORS

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

An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation

H.P. 892 L.D. 1289
(S "A" S-763 to C "A"
H-900)

Which 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:

ENACTORS

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

An Act to Amend the Election Laws

S.P. 820 L.D. 2019
(S "A" S-770; H "C"
H-1187 to C "A" S-617)

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

Senate at Ease

Senate called to order by the President.

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 Restructure State Government

S.P. 929 L.D. 2384
(S "H" S-723; S "C"
S-704; S "I" S-781 to C
"A" S-680; H "A" H-1317)

Senator **CAHILL** of Sagadahoc requested a Division. **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.

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, 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.

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 Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing

S.P. 974 L.D. 2460
(H "B" H-1328; S "A" S-750)

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I do ask for a division on enactment. I just have a couple of comments, one is that the confidentiality provisions in this Bill are extremely severe. Here, other communities who might wish to challenge a mall, would not even be allowed any finances to help. Not only is that true but they perhaps might not be able to get any information about the proposed mall. I, on behalf of the officials of the city of Waterville, must make mention of that as part of public policy. Second I do have a question and that is I know that there is a fiscal note requiring almost \$50,000 from the general fund and the last time I left the Legislative Council room and they had gone over a number of the Bills and measures that had an appropriation and we had a balanced budget at that point. I am wondering where the almost \$50,000 of general fund monies would come from. Thank you.

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

THE PRESIDENT: The Senator from Kennebec, Senator Kany poses a question through the Chair to anyone who would care to answer. The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The fiscal piece on that Bill is to provide some additional aid in the tax assessor's office, however, it appears that it will not be necessary this year. The general budget Bill does provide for some additional places in the tax assessor's office and it appears, for this year at least, that increment of cost can be absorbed by the finance department. Mr. President, further I'd like to comment for the record just briefly on the intent of the Senate Amendment which was added the other day. I think so everybody understands this fully I'd like to read this into the record. The intent of Senate Amendment A which was attached to this Bill is to "guarantee the amount of state tax increment returned by a municipality cannot exceed the amount of property tax increment guaranteed over the life of the tax increment financing district." It is not the intent of Senate Amendment A to limit the annual increment paid to the municipality to the annual tip obligation. It's important this intent be clear, since the tip districts can be designated for longer than 10 years so that the annual obligation might be different. STIFF districts will be on a 10-year basis, but the STIFF payments could not exceed the annual payment then they would be depriving some of the districts of payments during the outyears beyond the 10 year period. Thank you Mr. President.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the comments of the good Senator from Aroostook, Senator Collins, and I understand the need to place on the record a clarification in this case. If he'd run

that by me once more in language that I can understand a little more clearly, I would feel a bit more comfortable. Thank you Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In very simple language, TIFFS, which is the municipal piece have a 10-year life, STIFFS have a longer life than 10 years. If you limited the payment to the same number of years as the TIF, it might not reach the number that is contained in the STIFF, but the balancing act is that they would not total, be in disagreement, to the life of the STIFF. Is that clear? Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It appears to me as if H1328 is still attached to the Bill. It does have a general fund potential cost of \$48,420.00 and it does state in the fiscal note, that if these fees are not sufficient to offset the cost of administration there will be a cost to the general fund. I'm certain that if we bide by our constitutional responsibility for a balanced budget that there must be some new revenues that would be forthcoming in order to allow this measure to be enacted and I would like to have those identified. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I'm not a part of the Appropriations group nor of the leadership that makes the final determinations on these but it is my understanding that at their meeting the dollar signs have been removed. That's all that I can tell the good Senator from Kennebec, Senator Kany. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. If there is truly no cost to the general fund then I would suggest that someone may wish to indefinitely postpone H1328.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Maybe this item should be tabled because I am also a little confused because I do know that at the Legislative Council when we went through the table there was some money attached to this Bill. I'm left with a little suspicion in my own mind here as to what exactly is going on with this. Thank you.

On motion by Senator **BOST** of Penobscot, Tabled until Later in Today's Session, pending **ENACTMENT** (Division Requested).

Senate at Ease
Senate called to order by the President.

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

PAPERS FROM THE HOUSE
Non-Concurrent Matter
Emergency

An Act to Amend the East Pittston Water District Charter

H.P. 1769 L.D. 2452

In Senate, March 29, 1992, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1779, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1335)** in **NON-CONCURRENCE**.

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

Senate at Ease
Senate called to order by the President.

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

ENACTORS

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

An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers

S.P. 169 L.D. 403
(S "A" S-762 to C "A"
S-624)

Which 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:

ENACTORS

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

An Act to Improve the State's Fiscal Forecasting Capabilities

S.P. 232 L.D. 586
(S "A" S-777 to C "B"
S-733)

Senator **CAHILL** of Sagadahoc requested a Division.

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.

15 Senators having voted in the affirmative and 12 Senators having voted in the negative, 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.

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

ENACTORS

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

Emergency

An Act to Implement the Jobs Creation Bond Package

H.P. 1708 L.D. 2389
(S "A" S-782 to H "C"
H-1280)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 2 Senators having voted in the negative, and 26 being more than two-thirds of the entire

elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, 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:

ENACTORS

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

Emergency

An Act to Create Special Veterans Plates

H.P. 1437 L.D. 2049
(S "A" S-779 to C "A"
H-980)

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

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

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for the Purchase of Recycling Equipment and Facilities and for the Closure and Remediation of Municipal Solid Waste Landfills

H.P. 1499 L.D. 2111
(C "A" H-1332)

This being a Bond Authorization Act and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

H.P. 620 L.D. 890
(H "A" H-1334 to C "A"
H-884)

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

HELD BILL

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

Senator **BALDACCI**: Mr. President, is the Senate in possession of L.D. 2459?

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

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECONSIDERED** its action whereby it **FINALLY PASSED**:

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

S.P. 973 L.D. 2459
(S "A" S-754)

(In Senate, March 31, 1992, **FINALLY PASSED**, in concurrence.)

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, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate at Ease

Senate called to order by the President.

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 Fuel Oil and Coal Used in Manufacturing Processes"

H.P. 1755 L.D. 2441

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

In House, March 29, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

In Senate, March 30, 1992, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECEDED** from its action whereby Bill and Accompanying Papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On further motion by same Senator, Senate Amendment "B" (S-786) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

Emergency

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

An Act to Amend the East Pittston Water District Charter

H.P. 1769 L.D. 2452

Tabled - March 31, 1992, by Senator **CONLEY** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 29, 1992, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1779, in concurrence.)

(In House, March 31, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1335)** in **NON-CONCURRENCE**.)

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

Senator **CLEVELAND**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe you are now in possession of the House Amendment which is now being attached to the Bill. It is essentially a technical amendment. They referenced the wrong section of the statute in the original Bill making the L.D. inoperative. They have now referenced the proper statute which is the same intention of the original Bill you passed. I would urge that you support it. My intention was not to delay the process but I did think it was important that every Senator have an opportunity to look at that amendment before we voted on it. I was aware of it and did know its contents and had no objections to it. Thank you.

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

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

Senator **PEARSON**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Usually about this time in the Legislative session we are in the deep dark recesses of the late evening or early morning and about ready to part Augusta until we come back for maybe small special sessions. It is traditional at this time that people who are not running be remembered. I would like to make a few remarks, if I could have your indulgence.

I've traveled a long, long road with a lot of people in here who have come to mean a great deal to me. I'd like to talk about just a couple of them and one. Obviously, I'd like to start out with my seat mate, Senator Mills. I've never met, in my Legislative career, a finer person than Senator Mills from Oxford County. I've had to endure some of his antics from time to time, especially during certain prayers that we've had here in the front of the Senate, when he would reach over and poke me or chuckle. Sometimes I had a hard time keeping my composure. He's been a wonderful, wonderful friend and a great seatmate.

Barbara Gill came to the Legislature in the 107th and I was already here. I was elected half way through the 107th in the Maine House of Representatives, and she was known then as a drug pusher. Her husband and she had operated a pharmacy. He had passed away and the one thing she knew the very best at that period in her life was pharmacy and drugs and that sort of thing. We used to kid her at the time about that particular problem. She's got one of the biggest hearts of anyone I've ever met in my life. I can remember so many different episodes, both in the House and in the Senate where she has enriched my life and people of the State of Maine. I can remember one day when her son, I forget which one it was, John, was stationed in Turkey and I was visiting in the Senate Minority Office, which at that time the Republicans were in control and they had made sure that the minority in the Senate had a closet. Joy O'Brien was the Secretary in there and you could hardly find any room to move. Barbara Gill came running in and she said, "look at this, I've got the letter that every Mother

ever wanted." It was a letter of, well you'd have to see it in order to appreciate it, it was great. Barbara's got a great sense of humor and I'll miss her.

Judy Kany was in the House with me and they had on one side of her Bonny Post and the other side Libby Mitchell and they were assigned to pull her down every time she got up. When she first was elected to the Maine House of Representatives she spoke on each and every issue. She has become the one of the foremost environmental advocates in this nation. I can remember asking her son one day if she was a good cook, and he said "I don't know she's never tried it." She was the first female member of the Back Row Incorporated in the Maine House when we were there. It was an all male world and Judy moved in and she had a great time.

Jerome Emerson who's not here right now is a small man with a great deal of stature who serves the same county I come from. He served with me on the Appropriations Committee and I enjoyed his insights a great deal. Muriel Holloway is for me one of the classiest ladies I've ever met. Jeff Mills says he going to run away with her after the session's over and I don't blame him. I've particularly enjoyed, and as recently as yesterday, this ladies stories about her exploits in high school. She's from Eastport as you know. She and Harry Vose used to be very close classmates in Eastport and apparently were engaged in some extracurricular activities on the bus coming back from ball games. Steve Bost, my neighbor from Orono, in Penobscot County who has just recently been anointed with the name of pit bull with the fiery red hair and some speeches to match it. Since I've been here I have seen him become a father and become a great Senator. There are also, of course, a number of other people leaving this year, there are too many people leaving this year as a matter of fact.

The one I'd like to remember now in just a few sentences is Senator Twitchell, Twitch. He was the President of Back Row Incorporated in the Maine House of Representatives. He, along with Bob MacEachern and Spike Carey and all the rest of them were a legend in their own time. One particular incident that I remember was that Senator Twitchell, then Representative Bill Diamond and I and a number of other people were invited to a Christian rally at the Civic Center, here in Augusta. They just said that they would like to have us come to the rally and it was about Christian Schools and I accepted the invitation. The three of us went and they placed us right in the front row and they sang some hymns, and I love spirituals. When we got through the last hymn that we were singing they asked us to remain standing and they were going to pass the collection box, except it wasn't a box, it was a tin can. I remember saying to Bill Diamond, you better put a dollar bill or some kind of paper money in here or else everybody else in the whole place is going to know you put change in. We're standing there and all of a sudden the can comes to Twitchell and you hear this clink, clink, clink, clink. Everybody in the whole Civic Center heard this. He certainly is not, however, a person who is cheap. He is somebody who has contributed a great deal to the State of Maine. He's somebody who has been in the Maine Legislature for 19 years, having been elected half way through a session in the House, and has been in the Senate for 10 years and hasn't missed one day in ten years in the Maine Senate in attendance. That's a record that I don't

think any of us can match. I'm going to miss his wit and all the funny stories, his coaching ability and all the good times that we've had.

I'd be remiss not to say that I served twice with Senator Collins. He was here and then he went home. His wife gave him a few instructions and sent him back down and now he's going to retire again and do the travelling that I guess he's always wanted to do. Senator Matthews who I've seen be married and have children, I saw his children down here just the other day. He is now going to go on to more fruitful things, to earn some money to support a family that he's got. I've enjoyed serving with him both in the House and the Senate. I told Senator Gauvreau the other day if I ever needed a lawyer, he was going to be it. He is the conscience of the Senate, he has a brilliant, brilliant first rate mind. I will certainly miss him a great deal. Let's see if I've left anybody out, it's really not my place to do this. Linda Brawn, I'm sorry I left you out. Linda Brawn and I share a lot of the same values, I'll miss her and Steve Estes, who's become Mr. Education in Maine, and is always telling the Appropriations Committee we've done it wrong and he's probably right. Don Rich, who's now going to go spend his money by travelling around the world with his wife. We talked about that yesterday. He really does love to travel and I hope he has a good time too. Thank you.

Senator FOSTER of Hancock was granted unanimous consent to address the Senate off the Record.

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

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

Senator VOSE of Washington was granted unanimous consent to address the Senate off the Record.

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

COMMITTEE REPORTS
Senate

Committee of Conference

The Second Committee of Conference on the disagreeing action between 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;
S "A" S-702)

Have had the same under consideration and ask leave to report that they are **Unable to Agree**.

Signed on the part of the Senate:

Senator PEARSON of Penobscot
Senator BALDACCI of Penobscot
Senator GILL of Cumberland

Signed on the part of the House:
Representative LEMKE of Westbrook
Representative MAHANY of Easton
Representative LORD of Waterboro

Which Report was **READ** and **ACCEPTED**.
Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

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

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

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

ENACTORS

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

An Act to Provide More Affordable Health Insurance for Small Businesses and Community Rating of Health Insurance Providers

H.P. 507 L.D. 701
(S "B" S-774 to C "A" H-1007)

Which 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

Joint Order

The following Joint Order: H
.P. 1782

ORDERED, the Senate concurring, that Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities," H.P. 1591, L.D. 2245, and all its accompanying papers, be recalled from the legislative files to the House.

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

Which was **READ**.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like your indulgence to pass this Joint Order. This Bill had a parliamentary mishap in the House. It did not get a discussion on the merits. I believe that a two-thirds vote in this Body will at least allow discussion of the merits of the Bill in the other Body. I would urge your vote to allow that. Thank you.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 14 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 14 being less than two-thirds of

the members present and voting, the Joint Order **FAILED OF PASSAGE** in **NON-CONCURRENCE**.

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

Off Record Remarks

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

ORDERS OF THE DAY

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

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

S.P. 973 L.D. 2459
(S "A" S-754)

Tabled - March 31, 1992, by Senator **BALDACCI** of Penobscot.

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

(In Senate, March 31, 1992, **RECONSIDERED FINAL PASSAGE**, in concurrence.)

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "B" (S-789) **READ**.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In the original draft of the Resolve, it incorrectly stated on page one it would revert back if it was not erected and fully operational no later than one year from the effective date of this Resolve. This will be impossible because it would be fortunate to be build in one year let alone operational. That is what has been deleted with my amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-789) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee in **NON-CONCURRENCE**.

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

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

Act to Amend the Animal Welfare Board

S.P. 696 L.D. 1861
(S"A" S-647; H"A" H-1247; H"B" H-1278;
S"H" S-783; S"D" S-681; S"E" S-685
to C"A" S-639)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the

Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

ENACTORS

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

An Act Concerning the Early Establishment of Counseling for Children in Foster Care

H.P. 1543 L.D. 2176
(S "A" S-780 to C "A" H-1179)

Which 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:

ENACTORS

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

Emergency

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

H.P. 1554 L.D. 2192
(S"B" S-788; S"A" S-776)

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:

ENACTORS

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

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring

S.P. 910 L.D. 2330
(S "B" S-785 to C "A" S-725)

An Act Concerning the Maine State Retirement System

S.P. 958 L.D. 2462

(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.

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**:

An Act Concerning the Maine State Retirement System

S.P. 958 L.D. 2462

(In Senate, March 31, 1992, **PASSED TO BE ENACTED**. in concurrence.)

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

Emergency

An Act to Amend the East Pittston Water District Charter

H.P. 1769 L.D. 2452

(H "A" H-1335)

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.

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Repairs to State Facilities

H.P. 1743 L.D. 2432

(C "A" H-1333)

This being a Bond Authorization Act and having received the affirmative vote of 26 Members of the Senate, with 5 Senators having voted in the negative, and 26 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Provide Equitable Insurance Coverage for Mental Illness"

H.P. 1064 L.D. 1553

(S "A" S-775)

In Senate, March 30, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-775)** in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-775) AS AMENDED BY HOUSE AMENDMENT "A" (H-1336)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

H.P. 1669 L.D. 2345

(S "A" S-688; S "B" S-773 to C "A" H-1174)

In House, March 31, 1992, **PASSED TO BE ENACTED**.

In Senate, March 31, 1992, **FAILED OF ENACTMENT**.

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

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **RECEDE** and **CONCUR**.

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.

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin to RECEDE and CONCUR, PREVAILED.

Which 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:

ENACTORS

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

Bond Issue

An Act to Create Job Opportunities for Unemployed Maine People

H.P. 1781 L.D. 2463

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. We discussed this a little bit earlier here in today's session, about 1:00 this morning I believe. This is the issue of the technical colleges providing job training for 3000 Maine unemployed people through a bond authorization of nearly \$10,000,000 and once again I would like to say, for the record, that I support the concept of this Legislation but I feel as the point raised by the good Senator from Penobscot, Senator Pearson, that this is not a revolving loan fund this is simply an out and out grant. While we're agreeing to bond \$10,000,000 we would not ask for any repayment after these people had been re-trained, so that future unemployed people could take advantage of this program. The question of course of constitutionality, I understand and I've read the Attorney General's opinion. While I'm not a lawyer, I understand that they feel that this passes constitutional muster but ordinarily, I think, if this wasn't the final hours of the session of the legislature, and thank goodness it is, but if this wasn't than I think perhaps we could table this and perhaps ask for a solemn occasion and have a ruling as to whether indeed this was constitutional or not. I'm not going to prolong the process anymore. I hope you would all vote your own conscience on this, but I feel that for these reasons I need to vote against this although I do support the concept.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope you will vote for enactment today of this Bill. It's extremely important and I know this is the last day of the Legislative session and we all want to go home and do things that we haven't been able to do but through the last three months the Committee on Housing and Economic Development dealt with the issue of trying to get this economy going. I guess that you can talk in terms of trying to help business get started and help those businesses that are in trouble and you can talk in terms of tax incentives and programs to help with the capital for those businesses that want to expand and you can talk in

terms of statistics and numbers and percentages of unemployed but you know, this Bill goes to the heart and the crux of the matter. I believe it was the good Senator from Franklin, Senator Webster, that said early on that he wanted to do something for the unemployed. Well you've got an opportunity today with this bond issue. This is a real program that will help unemployed Maine workers. Just to correct the good Senator from Sagadahoc, Senator Cahill, we're looking at 6,000 unemployed workers.

The Vocational Technical College System has been a opportunity for many citizens, from all backgrounds, from all different levels to get re-trained and get those kinds of skills that they need to be a productive member of this society and the work force. We've had some questions about constitutionality and some other good questions. I have submitted on your desk, a letter from the Deputy Attorney General. I urge you to take a look at that letter from Mr. Garrett. The concerns about constitutionality have been dealt with. There are no problems with constitutionality. We are bonding for tuition. We are providing an opportunity for unemployed workers to get the skills that they so desperately need. When the Committee on Housing and Economic Development held its numerous work sessions and public hearings, the Chamber of Commerce and Industry, and Labor and everybody participated. I can tell you one message that I heard throughout all those hearings and I heard this last year, and many of us have probably heard this same message. That message was that a major problem for business and industry in Maine is that we have good working people here that just don't have the skills and the kind of technological background to do the jobs of today and the jobs of tomorrow. They want so desperately, the business community and the industrial community, to employ Maine people but in order for that to happen we have to provide the opportunity and that opportunity comes best from the vocational colleges. The vocational colleges just want the tools to do the job, to give these workers, these unemployed Maine workers, an opportunity to get those skills.

The jobs commission report talks about a major priority, education. Giving workers the skills that they so desperately need. I've talked with the Treasurer's office, the Deputy Treasurer, Mr. Stickney says that there is no problem with what we are doing here. It is for a specific tuition opportunity for workers. There's no problem. We're looking at \$194,000,000 in wages, sales taxes, income taxes being paid, the spinoff effects of our economy. You're taking 6000 people off general assistance and welfare programs for the unemployed, unemployment insurance, all those kinds of things that we know are the last resort and we hope that we can have people employed, not unemployed. We have an opportunity to do that and get dividends with an economy that is growing and prospering. We all benefit from those fruits. The Maine technical College system has a tremendous percentage of their graduates going on to highly skilled jobs. Their track record is impeccable. In the jobs for today and jobs for tomorrow report, one of the major issues that they highlighted was this particular economic recovery project, to give our technical colleges the wherewithall to get these unemployed workers off the unemployment lines and productive, working Maine citizens. I want to read a quote from the hearing we had that day, we heard testimony from the vocational

colleges, from the universities, from the business community, everybody. I want to read just one very small paragraph, and it's taken from Mr. McMann, from the Gates Formed Fiber Products, Inc., "I would submit that the only reason you would ever find companies coming to Maine or existing companies expanding their presence here in Maine, is because of the availability of highly trained and motivated workers. The technical college system is at the heart of this training effort." That's what we're doing here today. The Chamber of Commerce of Portland stated, "Presently the Southern Maine Technical College places almost 400 graduates each year. They typically place 85% of these graduates, 93%-95% of them in Maine. At the same time, employers in the greater Portland region have difficulty in finding certain skilled employees, locally, be they highly skilled metal workers or entry level air conditioning and refrigeration workers." President of the Maine Technical Colleges, John Fitzsimmons said in his remarks to the Chamber, "Maine is at a very important cross road, and our choice is simple. Do we want to be a high wage, high skilled State or do we want to become a low wage, low skilled State? If you do not want a society of haves and have nots then we must invest in Maine's human resources, it's people". This particular bond does that. It invests in people, those people that have worked, many of them for a large portion of their lives and are now unemployed and they don't have those opportunities. We are a country of working people building a better nation and this particular bond issue will do that. It really goes to the crux and the central piece of the whole effort of the Jobs Commission Report. We want Maine people working. And we've got an opportunity and I hope you'll support it. Thank you.

Off Record Remarks

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you know I have been a supporter of Bond Issues right along probably to some peoples surprise. I have been a supporter of creating jobs and I have always been a supporter of education. It seems to me, on this particular issue, it says you will not exceed a total of \$4,000,000 in aid to the Technical Colleges for scholarships. Besides that it seems if we are going to put a bond issue out for \$4,000,000 for retraining of unemployed workers and they will get a good education, when they become employed they should pay this money back. It was an ideal place to have a revolving loan. For those reasons I will be voting against this Bond Issue. 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. Earlier there were some concerns about whether this Bond Issue would be in competition with JTPA, the Job Training Partnership Act funds that is the backbone of the Jobs Training System in the United States. This proposal does not duplicate what JTPA funds do. JTPA clients must be economically disadvantaged. Many of the unemployed who would be eligible for tuition

under this Bond Issue have earned income in the last six months, a majority of them would not be eligible for JTPA. In some instances, JTPA can help eligible clients pay for related expenses such as books, supplies, transportation, and child care but they could not help towards tuition.

Another issue that I think ought to be on our minds is job creation. There is a report that money spent on education creates more jobs than money spent on construction bonds. I cannot cite you the source of that report but I heard it on National Public Radio which is always a good source. I think it behooves us to pay attention to that. Although construction bonds of \$1,000,000 can be estimated to create 30-50 jobs, educational bonds will create even more. In the Collier report of last May, which reported on that this state will have a deficit of 42,000 technicians in the next decade. Even if our Vocational Technical College System revs up to maximum present capacity, we will be 42,000 technician jobs short. That is 42,000 jobs that our Maine employers will either want for or will go to Massachusetts for. Here we have an opportunity to pass a Bond Issue when interest rates are at a all time low and it couldn't be better timing to create jobs for people who are unemployed. They then will become employed at a higher level and pay more taxes. Their dollars will cycle through to the economy many more times. I think this is a good idea and I hope you will vote for its passage. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As all of you know, I am a very strong supporter of the private sector and the creation of jobs. In my view without jobs, we have no tax base. I would like to have some clarification to make sure that this \$10,000,000 that the people of Maine are going to be asked to repay within a few years plus the additional \$4,000,000 of interest, that indeed it will do what it is supposed to be doing. I would like to have on the record that these training programs will be taught at the school level. I have been assured that it would not be contracted out services the way the JTPA Programs are contracted out. A great part of the money allocated for an individual go to administrative costs. That is my greatest fear.

I would also like to know the types of training that will be made available and whether or not they will be duplicative of those in other Job Training Programs that are available. How will the people be selected? There are thousands of our people without work. How will you select the number of people to be trained? In the Bill it states 3000 unemployed people will be helped and I heard the Senator from Kennebec, Senator Matthews say there were 6000 unemployed people. Maybe that was a misstatement, I would like it clarified. If you could explain, on the record, the monies will go where they are supposed to be going and won't be for administrative costs or lobbying fees, I would be pleased to hear that. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Androscoggin, Senator Berube has some good questions and I will attempt to clarify for the record. These monies are for tuition. They go to

the colleges for tuition only. When you look at the Attorney General's opinion, that is the issue we are dealing with and that is the issue, from the Constitutional standpoint, they were concerned about most. These monies will go to tuition. The actual dollars will go towards tuition to send these unemployed workers to the college to get the skills training they need.

The other question about the kinds of occupations was a good question. I will read partial list of some of the kinds of technological skilled jobs we are talking about. I don't know how many times I have heard from one of my constituents, Mid State Machine, there just aren't enough skilled people in the machinery area. That has been an issue I have heard ever since I have been here. They get an incredible benefit from working with the Technical College in Fairfield. We need skilled occupational therapists, medical transcriptionists, nurses, pulp and paper technicians, bio-med electronic technicians, physical therapists, and environmental technicians. We are talking about a lot of skilled occupations.

I think we have to sometimes bring our discussions into context. One of the areas that we know in Maine and in our Country today that we have not done the job is providing our work force with the skilled training. There are so many countries out there. Our competitors in this global marketplace have been doing the very things for years that we are proposing to do today. We are behind the eight ball, I believe in this country in providing our workers with the skills. The funds that we are talking about here are tuition only. They will not go to administration. Tuition will pay for new instructors needed to accommodate the new students. The accountability and the dollars will go to the colleges.

I can tell you, when we talk about the loss of jobs, we are talking about Kittery and hundreds of Maine workers that will be out of work. We talk about the defense industry and what has already hit Maine now. It has resulted in the loss of thousands of Maine workers. We have an opportunity to start on the road to making sure Maine people are re-trained for the jobs of the more peaceful world. We need to think about that issue. We have had workers in Androscoggin and Oxford laid off from our paper mills. In my area 250 people have just been laid off at Scott Winslow. Up in my good friend from Arostook, Senator Collin's are, an incredible hit to the economy with the loss of Loring Air Force Base. We are talking about action here to get people back to work. I think Democrats and Republicans alike agree on that issue. We believe in a society that has people working. There were some other questions and I am trying to remember them all.

For the record we are talking about the monies going for tuition. It will pay for some of the new teachers. The accountability is there and monies will go the Vocational Colleges. The best way to get the list of accomplishments and the track record is to talk to the business community. Boy, we heard from that business community that day in Room 113 of the State Office Building. Every single one that mentioned this issue said the key and the cornerstone for economic recovery is our Vocational Technical College System. We have a great one. We should proud in this Legislature for making that a priority. Let's utilize that priority and resource.

I am sure I haven't answered all the questions but I do apologize to the good Senator from Androscoggin, Senator Berube. I hope you will support this Legislation. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I really have no desire to drag out this debate but I do have a question that I would like to pose. I hope the answer is as short as the question. It really does bother me that if my child goes to college they must take out student loans and repay them. I know this is an unpopular issue. I am certainly for the basic Bill. The question is, why was it not put in the Bill that when they do have job, which will be above average wages, why can't they repay them and have a revolving Bond? Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that general obligation bonds cannot be used for the purpose of a loan. If we were to choose another means of providing that funding so loans could be made available to the Technical College students, we would have to go to a type of revenue that would be 11% payback. These people, who are unemployed, simply could not pay that interest at that rates. When I first heard the good Senator from York, Senator Carpenter's remarks it made a lot of sense to me. I could see why it would be of interest to pursue that road but upon inquiry I learned general obligation bonds cannot be used for the purpose of offering loans to others. Since the goal is to provide an opportunity for the unemployed to gain skills, I reluctantly oppose the proposal of the good Senator from York, Senator Carpenter. I urge you to go along with the suggestions by the good Senator from Kennebec, Senator Matthews. 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. One more brief thing about the job training system in Maine, the Jobs Training and Partnership Act. An important sign of the times, if you will, is that only 5% of the people eligible for job training actual can get those funds because of budgetary restraints that we find ourselves in the middle of. In other words, we are in extraordinary lean times and we need to take some steps to get ourselves out of the hole. This is an excellent step to get ourselves out of the hole. If you ask any economists what it is we should be investing in they will say people. They will say in the global economy everything else can be moved around. The one thing we have in Maine that will raise our standard of living and the standard of living of our children is investing in the skills of our people. That is exactly what this Bill does. It takes a road to do that that we haven't yet tried. We are also in unprecedented circumstances here. We have a job training system that can only fund 5% of eligible people for training. We have a work force who is knocking on the door of higher technical training and no one is answering the door. This Bond Issue will send someone to the door. 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. This has been an interesting Legislative Session. A large portion of our debate and focus has been addressing Maine's precarious economy. In all of our constructive attempts to address the current state of our economy we have employed a vehicle called bonding. We have addressed bond issues for municipal infrastructure. We all know that includes a whole menu of public works and improvements. We have addressed the issue of bonding for rural health clinics. We have addressed the issue of bonding for distressed but health businesses and capital improvements for public schools, technical colleges, the University System, residential homes, enhancing the bonding capacity of Maine's Housing Authority and in our usual fashion, repeated in every session, the need to address the highway and bridge issues, salt and sand sheds, and local road assistance.

Then we have general bond package issues proposed and frequently passed and ratified by the people of the state for ferries, piers, ports, railroads and for airports. It has been mentioned today do you detect any factor in that equation that's omitted? I submit to you that we have proposed bonds for all of the aforementioned. We have yet to propose bonds for Maine people. Those Maine people are people who are key to the economic recovery. They are currently unemployed in numbers unprecedented for five decades. They are unable to pay the tuition. They may not be economically distressed so they qualify for job training partnership acts. I would rather they access programs provided by our technical colleges. I believe those programs are far more cost effective and far greater in their impact in our economy than those jobs that are addressed by JTPA.

This Bond Issue has a cap. We know that the reference to our Constitution which has been addressed by the Attorney General's letter, is for loans only. These are not loans and the taxes that are lost by some of our STIFF and TUFF related activities are never paid back. Certainly, if we can invest in bricks, mortar, steel, and concrete, we can invest in the human element. We have an opportunity to do so today. You are invited to support it. It represents a good investment. A good investment to the return of which will be lowered numbers of unemployed, the return of pride and dignity for Maine men and women who return to the work force with skills that will carry them into the next century. It will provide security and stability for not only themselves and their families but for the municipality and the state in the form of increased taxes and paid property tax bills. It is an opportunity, men and women of the Senate, that we can ill afford to turn aside. Thank you.

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

Senator **TITCOMB**: Thank you Mr. President. Ladies and Gentlemen of the Senate. As I listened to the debate, I could not help but think back to a very old saying that I think about quite frequently. "If you give me a fish, I will eat for a day. If you teach me to fish, I will eat for the rest of my life." I believe the people of Maine are looking for the tools to move themselves ahead and I believe this is one of those tools. Thank you.

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

Senator **ESTY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to address this issue because of my concern that has been addressed by the good Senator from Kennebec, Senator Matthews. I agree this is an important investment that we need to make in the working people of the State of Maine. I rise also to compare this kind of issue to an issue that we discussed in the past few days. That issue regarded investment tax credits. Many people in this Legislature were willing to make an investment tax credit regarding \$35,000,000 to give a shot in the arm to the businesses in our State. We had concerns about paying for that investment tax credit and in which biennium. We agreed that needed to be studied so we could develop a mechanism in which to give that shot in the arm. Those investment tax credits, which will cost \$35,000,000 annually for our businesses to spur the economy, are not loans. Those are credits to get business going. It seems to me that we should apply the same logic to this Bill. This Bill is an investment in the people. We could act upon this aggressively so we can create jobs in this State and strengthen our economy and stabilize the budget. Thank you.

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a question that jogged my mind from the good Senator from Androscoggin, Senator Berube. This happens when you have gone through a couple of days with not too much sleep. The number is 3000 unemployed. In my mind I am seeing double and that happens. The other good question from the Senator from Androscoggin, Senator Berube is how will the eligibility criteria be established? That will be done by the Maine Technical College System. On page two of the Bill, "Maine Technical College System shall adopt rules that govern the application and selection process. These rules must include eligibility criteria, training programs for which tuition funding as provided in this section applies, and criteria that defines ineligibility for funding tuition of applications." It will be done by the Maine Technical College System so these tuition opportunities go to those in need. I have no doubt that will happen. For the record, within four years these graduates will earn \$194,000,000 in wages. The proposal will be completely repaid through income and sales taxes generated by the graduates. We know what the success rate of graduates from the colleges are. The benefits of the training program will be directly felt by the state due to the fact that 97% of the graduates of Maine Technical College System are placed in jobs here in Maine. It can only succeed. Thank you.

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

Senator **ESTY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I had also intended to pose a question to anyone who might be able to answer it. Everyone in this Body has expressed support for this concept. There is clearly a difference of opinion on whether it should be a grant or a loan. Are there amendments or any suggestions regarding how we can improve this measure so loans may be applied to part of this? If there are amendments being drafted, I would certainly appreciate seeing them so we might be able to reach a compromise. I think the

concept is so important that we can't simply say no on this issue. We must be offered other suggestions that we can act upon. Thank you.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise as the Senate Chair of the Education Committee to comment on the proposal before us. I also rise as one of the strongest advocates of this proposal. There was an illusion in some of the question earlier as to why this is so late in coming. It really has not been so late in coming. The idea has been on the burner since December when the Board of Trustees of the Technical College System issued a report entitled "Economic Recovery for Maine's Unemployed." The Education Committee has followed this proposal with great interest. There was a very serious attempt to have the proposal generally funded. Because of the lack of dollars in Appropriations, that route was impossible. This other idea surfaced when people began asking, over the last several days, what could we possibly do? We had taken a look at the possibility of putting it out as a bond proposal and because it wasn't bricks and mortar, people thought that was an impossibility.

It was about a month ago I had a conversation with Sam Shapiro and asked him could this part of a package going out this spring or later on this fall? Is this bondable and he said it was. The Education Committee has strongly supported this concept and we have made our feelings known to both the Housing & Economic Development Committee and to the Appropriations Committee that this should be a priority. We should do everything we possibly can to get this proposal funded in order to stem the tide of unemployment and assist Maine people in becoming productive members in a recovering economy.

There is a statement in the introduction that I want to share with you because it is very important. The human impact of unemployment goes beyond those individuals who do not have a job. If you take into consideration the fact that the average Maine family has three members, you can assume that over 150,000 Maine's citizens are being directly affected by financial as well as emotional burdens brought on by unemployment. Quoting from the introduction, "Compounding the misfortune of unemployment is the reduction of youth entering the work force thus a greater segment of the unemployed are people who have been in the work place for some time. In addition to the hardship imposed on individuals and their families, the economic cost associated with unemployment are severe and are having a multiplying effect on the State's economic difficulties." Last year \$114.7 million was paid out in unemployment benefits. From January through October of 1991, unemployment insurance payments climbed to nearly \$153,000,000 with two months still outstanding. Meanwhile unemployment is escalating demand for and cost of AFDC, general assistance, and other social services while adversely impacting general fund revenues through the loss of taxes and reduced consumption. Clearly, Maine leaders need to take action to begin reversing the tide of unemployment. It is vital that any economic recovery plan include a plan that gives Maine citizens an opportunity for a new job and a promising future. I strongly urge that you support this Bond Issue. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am sure, like most of those in this room, we hadn't expected extended debate on this issue. Since we have had some, I would like to add just one additional aspect to this issue. We have for much of the 115th Legislature, debated issues regarding Workers' Compensation. Speaker after Speaker has said that he or she would love to take action to reduce the cost of Workers' Compensation premiums in the State of Maine. As you may be aware, the single greatest factor in Workers' Compensation, in terms of benefits, is in the area of wage lost and specifically that cohort of the injured population who have permanent partial incapacity. In fact, about 80% of wage loss benefits go to about 6% of injured workers.

One of the problems which Maine workers have is that after a worker does sustain a work related injury and that worker is unable to return to his or her prior job, it is very difficult for that person to find any type of employment. That worker might ultimately reach a settlement of his or her workers compensation claim but as you may know it is routine practice in the State of Maine for insurance companies to require workers who settle their cases to resign from their employment. What that means is you have a person who might have received a settlement but they have also resigned. Those people find it very difficult to secure employment in the Maine economy. It seems to me that this particular package is really designed to that cohort of the Maine workers who are unemployed and unable to return to their former job. They have strong work capacity and a desire to work but they are unable to return to their former job. This package would, in fact, if enacted will provide a meaningful source of tuition assistance for people who do want to go to vocational rehabilitation. Here we have a concrete proposal. I submit a proposal which would work. We have an option here. We can either continue the rhetoric and dialogue of workers compensation or we can actually seriously consider this proposal as one step to help injured workers get back to work. For these reasons I suggest we ought to send this Bill along its way and invite the voters to accept this Bond Package. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am going to vote for this Bond today, although, I hope there is some way we can get an opinion as to whether this is a constitutional matter. I am not opposed to allowing the voters to vote on this. I spoke, last night, with the Governor's legal consultant about this concern and whether it met constitutional limitations. I think we ought to pursue this matter. I think all of us in this Chamber like the concept of this idea. I hope the membership votes for this but I hope there is some way we can get someone to look into this. I am not sure I like some opinion of a Deputy Attorney General as to whether it does that. I would hope you support this and somehow we could look into this matter to make sure we are not asking the voters to enact something that isn't acceptable and won't do what is intended. If this is

not something that can be done then we can look at this in the future. I personally feel that maybe this will be ok to try. 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. A note was passed to me a few minutes ago asking about the financial assistance program through FAME. Isn't that something these unemployed individuals could access? The answer is no. In the first regular session of this 115th, I sponsored a loan of last resort called HELP for Higher Education Loan program. We put the program in effect but there was a \$5,000,000 Bond that would have gone out to the people that was not approved by the Appropriations Committee. We have a HELP program that can't provide any help. The other programs that FAME run are grants and scholarship programs that are over applied for. We have thousands of students who are applying for that program. It has reduced the amount of scholarships that have gone out. The funding level for those programs have not increased over the last 3 years.

There is another program out there called the Maine Education Loan Program or MELA but it is credit based. You have to have credit in order to access those loans. I don't know of too many unemployed people who can qualify for credit. I can understand the concerns that people have about not having a payback provision. The Senator from Kennebec, Senator Kany is correct by saying we cannot bond it if we have a payback in that fashion. It is needed and the need has been demonstrated by the report from the Technical College System and by the testimony at public hearings. I agree with the good Senator from Franklin, Senator Webster that this is worth the chance we are taking. We should ask those questions and get those answers but we shouldn't miss the opportunity. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I received enough notes and discussion on this to know that I have the right idea. I believe we ought to look at many of our bonds and incentives to find a way of getting them paid back. It just seems logical that an unemployed worker should be re-trained. More than likely he or she will be going to a Technical College and receiving unemployment while they are there. They will get a good education and will come out and get a good salary. I have had recent discussions with the Chair of the Labor Committee, Senator Esty and we have agreed to look into in the next session if we are both here. I feel at this time, I will probably vote for it. Thank you.

On motion by Senator **CLARK** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered. Subsequently, Senator **CLARK** of Cumberland requested and received Leave of the Senate to withdraw her motion for a Roll Call.

This being a Bond Authorization Act and having received the affirmative vote of 28 Members of the Senate, with 5 Senators having voted in the negative, and 28 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities

S.P. 818 L.D. 2017
(C "A" S-760)

This being a Bond Authorization Act and having received the affirmative vote of 22 Members of the Senate, with 10 Senators having voted in the negative, and 22 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

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

March 31, 1992

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

Dear Madam Secretary:

House Paper 1449, Legislative Document 2061, AN ACT to Improve and Expand the Operation of the Risk Management Division, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

88 voted in favor and 46 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Edwin H. Pert
Clerk of the House

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

Senate at Ease

Senate called to order by the President.

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

ENACTORS

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

Resolve

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

S.P. 973 L.D. 2459
(S "A" S-754; S "B"
S-789)

Which was **FINALLY PASSED** 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:

ENACTORS

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

Act Concerning Fuel Oil and Coal Used in Manufacturing Processes

H.P. 1755 L.D. 2441
(S "B" S-786)

Which 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:

ENACTORS

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

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

H.P. 1749 L.D. 2438
(S "C" S-758)

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

ORDERS OF THE DAY

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

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

S.P. 931 L.D. 2386

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

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 **CONLEY** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

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

An Act Concerning the Maine State Retirement System

S.P. 958 L.D. 2462

Tabled - March 31, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 31, 1992, **PASSED TO BE ENACTED**, in concurrence. Subsequently **RECONSIDERED**.)

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-791) **READ** and **ADOPTED**.

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

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

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

An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing

S.P. 974 L.D. 2460
(H "B" H-1328; S "A" S-750)

Tabled - March 31, 1992, by Senator **BOST** of Penobscot.

Pending - **ENACTMENT** (Division Requested)

(In Senate, March 31, 1992, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, March 31, 1992, **PASSED TO BE ENACTED**.)

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.

26 Senators having voted in the affirmative and 3 Senators having voted in the negative, 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.

Senate at Ease

Senate called to order by the President.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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)

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

Pending - **ENACTMENT**

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1136) AS AMENDED BY SENATE AMENDMENT "A" (S-661)** thereto, in concurrence.)

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

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish Economic Recovery Tax Credits
S.P. 960 L.D. 2430
(H "A" H-1299)

Tabled - March 31, 1992, by Senator **BRANNIGAN** of
Cumberland.

Pending - **ENACTMENT**

(In Senate, March 29, 1992, **PASSED TO BE
ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1299).**)
(In House, March 29, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the
Senate removed from the **SPECIAL APPROPRIATIONS TABLE**
the following:

Emergency

Bill "An Act to Create Jobs, Promote Economic
Growth and Provide Business Assistance"

H.P. 1773 L.D. 2455
(S "A" S-740)

Tabled - March 30, 1992, by Senator **BRANNIGAN** of
Cumberland.

Pending - **ENACTMENT**

(In Senate, March 29, 1992, **PASSED TO BE
ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-740),**
in concurrence.)

(In House, March 29, 1992, **PASSED TO BE ENACTED.**)

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

On Motion by Senator **BRANNIGAN** of Cumberland the
Senate removed from the **SPECIAL APPROPRIATIONS TABLE**
the following:

Bond Issue

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

H.P. 1707 L.D. 2388
(H "E" H-1262)

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

Pending - **ENACTMENT**

(In Senate, March 25, 1992, **PASSED TO BE
ENGROSSED AS AMENDED BY HOUSE AMENDMENT "E" (H-1262),**
in concurrence.)

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

This being a Bond Authorization Act, in
accordance with Article 9, section 14 of the
Constitution it requires the affirmative vote of
two-thirds of the members present and voting. 29
Senators having voted in the affirmative and 3 in the
negative, and 29 being more than two-thirds of the
Members present and voting this Bill is **PASSED TO BE
ENACTED** and will be signed by the President and
presented by the Secretary to the Governor for his
approval.

On Motion by Senator **BRANNIGAN** of Cumberland the
Senate removed from the **SPECIAL APPROPRIATIONS TABLE**
the following:

Constitutional Amendment

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; S "B" S-555)

Tabled - March 28, 1992, by Senator **PEARSON** of
Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, March 26, 1992, **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D"
(H-1237) AS AMENDED BY COMMITTEE AMENDMENT "B"
(S-527); SENATE AMENDMENT "B" (S-555).**)

(In House, March 27, 1992, **FINALLY PASSED.**)

This being a Constitutional Amendment and having
received the affirmative vote of 30 Members of the
Senate, with 1 Senator having voted in the negative,
and 30 being more than two-thirds of the Membership
present and voting was **FINALLY PASSED** and having been
signed by the President was presented by the
Secretary to the Governor for his approval.

On Motion by Senator **BRANNIGAN** of Cumberland the
Senate removed from the **SPECIAL APPROPRIATIONS TABLE**
the following:

Constitutional Amendment

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

H.P. 1478 L.D. 2090
(H "A" H-1032 to C "A"
H-932)

Tabled - March 12, 1992, by Senator **BRANNIGAN** of
Cumberland.

Pending - **FINAL PASSAGE**

(In Senate, March 9, 1992, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932) AS
AMENDED BY HOUSE AMENDMENT "A" (H-1032)** thereto, in
concurrence.)

(In House, March 11, 1992, **FINALLY PASSED.**)

This being a Constitutional Amendment and having
received the affirmative vote of 27 Members of the
Senate, with 1 Senator having voted in the negative,
and 27 being more than two-thirds of the Membership
present and voting was **FINALLY PASSED** and having been
signed by the President was presented by the
Secretary to the Governor for his approval.

On Motion by Senator **BRANNIGAN** of Cumberland the
Senate removed from the **SPECIAL APPROPRIATIONS TABLE**
the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Protect Revenues Raised By
the Department of Inland Fisheries and Wildlife

H.P. 1686 L.D. 2366
(C "A" H-1102)

Tabled - March 23, 1992, by Senator **BRANNIGAN** of
Cumberland.

Pending - **FINAL PASSAGE**

(In Senate, March 16, 1992, **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-1102),** in concurrence.)

(In House, March 19, 1992, **FINALLY PASSED.**)

This being a Constitutional Amendment and having
received the affirmative vote of 27 Members of the

Senate, with 1 Senator having voted in the negative, and 27 being more than two-thirds of the Membership present and voting was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households

S.P. 319 L.D. 857
(C "B" S-616)

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

Pending - **ENACTMENT**
(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-616).**)

(In House, March 17, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a Professional Standards Board for Maine Teachers

H.P. 1316 L.D. 1902
(S "A" S-687; H "A" H-1289; S "B" S-747 to C "A" H-1223)

Tabled - March 29, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**
(In Senate, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1223) AS AMENDED BY SENATE AMENDMENTS "A" (S-687) and S "B" (S-747); HOUSE AMENDMENT "A" (H-1289) thereto, in concurrence.**)

(In House, March 29, 1992, **PASSED TO BE ENACTED.**)
Senator **CAHILL** of Sagadahoc requested a Division.
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.

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Related to the Maine State Retirement System

S.P. 809 L.D. 2008
(H "A" H-1292)

Tabled - March 28, 1992, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**
(In House, March 27, 1992, **PASSED TO BE ENACTED.**)

(In Senate, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1292), in concurrence.**)

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

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Penalties for Committing Repeated Crimes against the Person and Repeated Acts of Domestic Violence

H.P. 1428 L.D. 2040
(C "A" H-1068)

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

Pending - **ENACTMENT**
(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1068), in concurrence.**)

(In House, March 17, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Concerning the Maine Court Facilities Authority

S.P. 831 L.D. 2135
(C "A" S-744)

Tabled - March 29, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**
(In Senate, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-744).**)

(In House, March 29, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Concerning the Maine State Housing Authority and the Finance Authority of Maine

H.P. 1540 L.D. 2173
(C "A" H-1071)

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

Pending - **ENACTMENT**
(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071), in concurrence.**)

(In House, March 17, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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)

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

Pending - **ENACTMENT**
(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1260)**, in concurrence.)

(In House, March 26, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide for Periodic Review and Modification of Child Support Orders

S.P. 893 L.D. 2293
(C "A" S-654)

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

Pending - **ENACTMENT**
(In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-654).**)

(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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning Site Protection at Former Mining Operations

H.P. 1715 L.D. 2400
(C "A" H-1177)

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

Pending - **ENACTMENT**
(In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1177)**, 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.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Legalize Marijuana for Medicinal Purposes

H.P. 1729 L.D. 2420
(H "A" H-1312 to C "A" H-1281)

Tabled - March 29, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**
(In Senate, March 28, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281) AS AMENDED BY HOUSE AMENDMENT "A" (H-1312)** thereto, in concurrence.)

(In House, March 29, 1992, **PASSED TO BE ENACTED.**)
On motion by Senator **COLLINS** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again I want to remind this Body this Bill does not legalize marijuana as the title might lead one to believe. It provides someone who is sick and under the treatment of a doctor with a defense they can use in a court of law. It is a unanimous committee report out of the Committee of Human Resources and the Judiciary Committee has also reviewed this Bill. I urge your support. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would request those members of the Chamber who may be inclined to vote against this measure to provide me and other colleagues an articulate explanation of the policy reasons why one would not provide this measure of remedial application of marijuana to assist those who are suffering from the effects of chemotherapy. Could I please have an explanation as to why people are opposed to this measure as presently drafted? Thank you.

Senator **COLLINS** of Aroostook requested and received Leave of the Senate to withdraw his request for a Roll Call.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question to members of the Committee on Human Resources. Under the definition of medicinal purposes, would the stress and strain of the last days of the Legislative Session qualify?

Senator **COLLINS** of Aroostook requested a Division.
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.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, 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.

Under suspension of the Rules, all matters thus acted upon 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

JOINT ORDER - recalling Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities," H.P. 1591, L.D. 2245, and all its accompanying papers, from the legislative files to the House.

H.P. 1782

In House, March 31, 1992, **READ** and **PASSED**.

In Senate, March 31, 1992, **READ** and **FAILED** **PASSAGE**.

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

Senator **MCCORMICK** of Kennebec moved that the Senate **RECEDE** and **CONCUR**.

THE PRESIDENT: The Chair would inform the Senate that the motion to Recede and Concur requires a two-thirds vote for passage pursuant to Joint Rule 15 requires a two-thirds vote so the Chair has to have a Division.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 16 Senators having voted in the affirmative and 16 Senators having voted in the negative, and 16 being less than two-thirds of the members present and voting, the motion by Senator **MCCORMICK** of Kennebec to **RECEDE** and **CONCUR**, **FAILED**.

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

On motion by Senator **CAHILL** of Sagadahoc, **RECEDED** 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:

ENACTORS

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

An Act to Provide Equitable Insurance Coverage for Mental Illness

H.P. 1064 L.D. 1553
(H "A" H-1336 to S "A"
S-775)

Which 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:

ENACTORS

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

An Act Concerning the Maine State Retirement System

S.P. 958 L.D. 2462
(S "A" S-791)

Which 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:

ORDERS

On motion by Senator **DUTREMBLE** of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The Chair appointed the Senate from York, Senator

DUTREMBLE, to deliver the message. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator **DUTREMBLE** of York reported he had delivered the message with which he was charged.

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

At this point, a message was received from the House of Representatives, borne by Representative **GWADOSKY** of Fairfield, informing the Senate that the House had transacted all business before it and was ready to Adjourn, without Day.

On motion by Senator **CLARK** of Cumberland, the following Senate Order:

ORDERED, that a message be sent to Governor John R. McKernan, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The Chair appointed the Senate from Cumberland, Senator **CLARK**, to deliver the message. The Assistant Sergeant-At-Arms escorted the Senator to the Governor.

Subsequently, Senator **CLARK** of Cumberland reported she had delivered the message with which she was charged.

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

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

On motion by Senator **HOLLOWAY** of Lincoln at 6:25 p.m. on Tuesday, March 31, 1992, the Honorable **CHARLES P. PRAY**, President of the Senate, declared the Second Regular Session of the 115th Legislature, **ADJOURNED SINE DIE**.