

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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tive vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth have arisen a Roll Call is ordered.

The pending question before the Senate is the Adoption of Senate Amendment "B" (S-387).

A Yes vote will be in favor of the Adoption of Senate Amendment "B" (S-387).

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

YEAS—Senators, Bustin, Carpenter, Diamond, Dow, Erwin, Gill, Hayes, Hichens, McBreairty, Pearson, Perkins, Pray, Shute, Usher, Violette.

NAYS—Senators, Baldacci, Brown, Charette, Clark, Collins, Danton, Emerson, Kany, Minkowsky, Najarian, Redmond, Sewall, Teague, Trafton, Twitchell, Wood, The President—Gerard P. Conley.

ABSENT—Senator, Dutremble.

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent the motion to ADOPT Senate Amendment "B" (S-387) FAILED.

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

SENATOR PRAY: Mr. President, having voted on the prevailing side on Senate Amendment "A", I move its Reconsideration whereby the Amendment was Indefinitely Postponed.

THE PRESIDENT: The Chair would have to state that we would have to dispose of Senate Amendment "B" prior to Reconsideration of the adoption of Committee Report "A".

Is the Senator referring to Senate Amendment "B"?

SENATOR PRAY: Senate Amendment "A".

THE PRESIDENT: The Chair would state that Senate Amendment "B" is still pending before the Body.

Is it now the pleasure of the Senate that Senate Amendment—the Chair is in error.

The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby Senate Amendment "A" (S-384) Failed of Adoption.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: Mr. President, I request a Roll Call and would urge the Senate to vote No.

THE PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, just a point of clarification. Ladies and Gentlemen of the Senate, there are a number of amendments on this Bill today and we've debated a number of them yesterday and today, and I just want to emphasize this is the Amendment that I offered yesterday, because there are a number of them and I hope you would vote to reconsider. Thank you.

THE PRESIDENT: The Chair, again, would like to clarify the pending motion. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Pray, having voted on the presiding side, has now moved that the Senate reconsider its action whereby it Indefinitely Postponed Senate Amendment "A" (S-384).

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, I wish permission to pair my vote with the Senator from York, Senator Dutremble. If he were here, he would be voting Yea and I would be voting Nay.

THE PRESIDENT: The Senator from York, Senator Wood, Requests Leave of the Senate to pair his vote with the Senator from York, Senator Dutremble. If he were here he would be voting Yea and the Senator from York, Senator Wood would be avoting Nay.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

Again, the Chair will restate the question. The question is the motion of the Senator from Penobscot, Senator Pray, to reconsider its action whereby it Indefinitely Postpone Senate Amendment "A" (S-384).

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

YEAS—Senators, Bustin, Carpenter, Diamond, Dow, Emerson, Erwin, Gill, Hayes, Hichens, McBreairty, Pearson, Perkins, Pray, Usher, Violette.

NAYS—Senators, Baldacci, Brown, Charette, Clark, Collins, Danton, Kany, Minkowsky, Najarian, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, The President—Gerard P. Conley.

ABSENT—None.

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators Pairing their votes, and No Senators being absent, the motion to RECONSIDER the Indefinite Postponement of Senate Amendment "A" (S-384) FAILS.

The Bill was PASSED TO BE ENGROSSED in concurrence.

There being no objections all matters previously acted upon were sent forthwith.

The President laid before the Senate:

An Act to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings. S. P. 879 L. D. 2383 (S. "A" S-371)

Tabled—April 9, 1984 by Senator KANY of Kennebec.

Pending—ENACTMENT.

(In House April 9, 1984 PASSED TO BE ENACTED)

(In Senate April 6, 1984 PASSED TO BE ENGROSSED AS AMENDED)

On motin by Senator CARPENTER of Aroostook, RETABLED until later in today' session, pending ENACTMENT.

The President laid before the Senate:

Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" H. P. 1807 L. D. 2389

Tabled—April 9, 1984 by Senator VIOLETTE of Aroostook.

Pending—PASSAGE TO BE ENGROSSED.

(In House April 3, 1984 PASSED TO BE ENGROSSED)

(In Senate April 6, 1984 RECONSIDERED ENGROSSMENT)

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

SENATOR DANTON: Mr. President, I offer Senate Amendment "D" to L. D. 2389 and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Danton, presents Senate Amendment "D" and moves its Adoption.

Senate Amendment "D" (S-390) was READ.

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

SENATOR HICHENS: Mr. President, I would ask for a division on this motion to Adopt Senate Amendment "D".

The State Government Committee did a

tremendous amount of work on this Bill to establish standards and policy for compensation for members of boards, commission, and similar organizations. After they come out with their report. There were different groups that came in crying with towels and so forth because they weren't getting paid enough for serving on these different committees or commissions, and a couple of them, the Committee agreed, had a right to probably have a little higher commission than what the Committee had decided upon. But, I don't think the Turnpike members can complain at the regular per diem salary that the Legislature gets and I think it's just opening the door for other groups to start coming in and crying because they don't think there're getting quite enough.

On a personal basis, I've served on several committees throughout the State and granted it was a privilege, or felt it was a privilege to serve on these committees for just travel expenses and meals involved in meeting at those things. I don't think that these other committees and boards should expect high compensation, although fifty dollars isn't that high, but I think the thirty-five dollars which we receive is enough for these other commissions and boards.

#### (OFF RECORD REMARKS)

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

SENATOR DANTON: Mr. President and Members of the Senate. First, I want to quickly tell you that the Maine Turnpike Authority didn't come here to see me with towels and crying or anything else. It's just that I noticed this in the Bill and I want to bring to your attention that the Maine Turnpike Authority members, up to two years ago, many, many, many years, perhaps since its inception was only getting twenty dollars per meeting.

Now, the four members of the Authority, I'm sure are not going to worry about the loss of that fifteen dollars per meeting. I just thought that I would offer this amendment, after all, we just brought their per diem up to fifty dollars per meeting. They meet twelve times a year, that's six hundred dollars, four members, that's twenty-four hundred dollars.

What do they turn back to the State? They turn back to the State about six million dollars. They have a big job on this Authority, and I'm just going to just quickly read off a few of the things that members of the Authority do: they acquire real estate property; make contracts with the United States, any other government, city, town, county; accept grants from corporations, public and private; they have architectural designers that they employ and sit and meet with; they borrow money all the time for the projects that they have to do on the Maine Turnpike Authority. It's really a detailed Authority. There's really a lot of work that goes on.

The reading that takes place from meeting to meeting is really enormous. Like I said, I don't think any of them are going to go through any big hardship financially if they don't have the fifteen dollars. I just thought where the Legislature, in it's wisdom just two or three years ago, I wasn't here when it happened, raised them from twenty to fifty dollars, that it's a shame now that they are turning back to the State six or seven million dollars, that you say thanks for the six or seven million bucks, but we want to take and reduce your pay from fifty to thirty-five dollars a meeting.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. I'm going to oppose the Amendment being offered by the good Senator fom York, Senator Danton.

The Subcommittee of the Committee on State Government reviewed this area during the summertime. I was not a member of this Subcommittee Study Report, it was chaired by

a member of the other Body, Representative Gwadnosky, and I must compliment them on their fine work.

No one knew how many boards and commissions there were in State Government. There are one hundred and ninety-eight. That is aside from legislative boards, that is aside from legislative entities, and a number of gubernatorial, there are existing out there one hundred and ninety-eight boards and commissions. This legislation took all those boards and commissions and has put them all together in one section of the statute.

Further, it established a number of broad categories, such as those for professional licensing. Then we come to this category, Category Number 7, Financing and Administrative Organizations and it treats them all alike. Before this legislation was passed, there was nothing to use as a roll model if you wished to create a new board or commission, or if you wished to make some change in the structure of the board or commission, or if you wondered as to what compensation they ought to receive. The Maine Turnpike Authority is going to be treated the same way as the Maine Port Authority, the Maine Health and Higher Education Facilities Authority, the Maine School Building Authority, the Finance Authority of Maine, and the Maine State Housing Authority.

I don't think the debate should be over whether which one deserves to get a little more or a little less. The Committee felt that they should all be treated the same and they are. I really would hope that we wouldn't, well you know, it's the prerogative of the Senate to do as it wishes, but I would hope that we wouldn't start to nit-pick and to kind of tear apart what's been put together here.

There's a substantial amount of work that went in by that Subcommittee and by the full Committee, in trying to bring about a cohesive structure to the boards and commissions, and treat those boards and commissions that share similar powers and duties alike. That didn't exist when the compensation was raised two or three years ago, but it exists, hopefully, after we pass this legislation. We'll be able to use this as a bench mark, so to speak, in determining what is an appropriate level of compensation when we want to make a change or when you want to create a new entity and you're wondering what that board or commission ought to be paid, you can find where it ought to go in this structure.

In addition to that, it provides for another thing, a number of other things, such as how boards and commissions ought to operate, it provides for a central place for providing for a list of those boards and commissions and reporting on the activities of the boards and commissions. I'm sure that in other further work of the committee, quite frankly, is going to be that some of these boards and commissions ought to be done away with when some of them haven't met for in excess of three years but that was not felt to be the goal this time around. I would hope that we would oppose this good Senator's amendment, and and other amendments today being offered from the Floor to make changes in what the Committee has recommended. Thank you.

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

SENATOR DANTON: Mr. President, I agree with the good Senator from Aroostook that there are many, many boards and commissions. I'm sure we could get rid of most of them in fact maybe we'd be better off if we did, but I'm just trying to tell you very simply this that the Maine Turnpike Authority, the four members that serve on that Authority, do a lot of work, a lot of valuable work. Again I'm going to repeat myself, whether you take the fifteen dollars away from them or not, I'm sure it isn't going to put them into any financial hardship, but they worked for years and years and years for only twenty dollars a meeting, still running

the Maine Turnpike Authority, that beautiful road that we all enjoy when we have to use it. You never heard them once come up here and ask for more money, the Legislature in its own wisdom, two or three years ago raised it up to fifty dollars to be the same as some other boards and commissions.

Now we're saying to them, let's take and drop it down to thirty-five dollars, and as the good Senator from Aroostook said, if we tie it into the Legislative per diem, which I believe is now forty-five dollars a day, thirty-five dollars a day, or whatever it is, and if it gets an increase like its supposed to be increased, chances are it'll be back up to forty-five anyway. So why change it, why not let it stay at fifty? Why should they be tied to the legislative per diem? Maybe five or six years down the road, the legislative per diem may be seventy-five dollars a day. I don't think that board or any commission should get exactly what the Legislature gets.

You know, they go to Portland once a month and they meet from nine o'clock in the morning to eleven-thirty, usually that's how long the meeting takes, usually they're businessmen or retired businessmen. They either leave their business or they have the time to do it. They don't need seventy-five dollars a day. They don't need anything, I think we should leave them there, they're all qualified, capable, good, hardworking, well meaning people that want to serve their State on this Authority and through the years they've proven that they've done a nice job.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, the issue isn't whether or not they are going to get seventy-five dollars or who knows what the future per diem cost rate is going to be for the Legislature. Currently, it is thirty-five dollars a day, that's the rate. That's the per diem compensation for Special Sessions and committee meetings outside of the Legislature, that's that per diem that we're talking about.

The Compensation Commission has recommended that that go to fifty dollars a day and the Committee in realizing the recommendations of the Compensation Committee, felt that that was only appropriate for these positions.

We are recommending that the vast majority of boards and commissions receive nothing but expenses. Nothing but expenses! We have removed vast numbers of boards and commissions that were receiving anything from salaries with retirement benefits, to hourly wages for studying, at home, the reports, when they would get information at home they would submit hourly bills to their entity and be paid and receive retirement credits for that work and fell under the Maine State Retirement System. We have removed all of those and there are only a few that we felt ought to receive some kind of compensation. People that serve in these positions serve in them because they want to contribute to State Government, and not for the level of compensation. This group ought to be treated as all the others within this grouping, and there is not lack of people who are willing to serve on the Maine Turnpike Authority.

There were rare exceptions made from the per diem rate only in a very, very limited number of cases, I think we'll be discussing that one in another minute because the good Senator from Kennebec, Senator Bustin, has an amendment, or where a member of the board had to have some high skill of which there were very, the pool was very small for the number and we had to attract them, such as an actuary on the board or some special skill was needed. This is not the case with the Maine Turnpike Authority, and so I would hope we would defeat the good Senator's amendment and I would ask for a Division, Mr. President.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "D" (S-390), please rise and remain standing in their places until counted.

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

9 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion to ADOPT Senate Amendment "D" (S-390) FAILED.

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

SENATOR BUSTIN: I present Senate Amendment "B" (S-376) and move its Adoption.

#### SENATE AT EASE

The Senate called to order by the President.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, presents Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-376) was READ.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, as I understand it, this Amendment would raise the per diem rate, the rate of compensation, for members of the Maine Health Care Finance Commission back to a hundred and fifty dollars a day.

In the original legislation last year that was passed by the Legislature, the rate for the Maine Health Care Finance Commission was set at one hundred and fifty dollars a day. The Committee felt that there are no other groups being paid a hundred and fifty dollars a day, no one else in State Government. It felt the next closest was the Maine Labor Relations Board, as well as, there is another entity, (it slips my mind) that's being paid a hundred dollars a day. There are only two others and this Board has, there is no special, within the Legislation, there is no special expertise, there is a broad class of people that fill from a pool of individuals from which potential people to serve on this board can be drawn, there is only one qualification, it says that at least one of the members must have, within the last ten years, have had five years of experience or the like, with respect to hospital administration or the like.

There has been no difficulty filling this Board. One hundred dollars a day, plus expenses, was felt to be more than adequate. I think there was a compromise made here, quite frankly, and the committee, if it really would have done what it should have, would have further decreased this compensation rate. This rate is higher than members of the Public Utilities Commission are presently paid on a weekly basis, and to suggest that individuals who are already drawing their own compensation, these are only meetings, these are rates paid when they attend meetings, this is not a full time job, to be paid that much money is inordinate. There has been no difficulty filling these positions, they fall within this classification, they remain the highest paid board in State Government and I would hope that you would defeat the Senators' amendment. A hundred a day compensation, with expenses is more than adequate, and in addition to that, the members of that group did not come before our Committee and oppose the reduction to a hundred dollars a day.

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

SENATOR BUSTIN: Thank you, Mr. President, Ladies and Gentlemen of the Senate. Nor would the Health Care Finance Commission members come before you and plead for more money, that's not what they are there for, you are absolutely correct, they probably would work for nothing, but that's not the point.

The point is a point of keeping faith. I can't believe that the Governor having pushed so