

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
March 28, 1985
Senate called to order by the President.

Prayer by the Reverend Kwan Lee of the Eliot United Methodist Church in Eliot.

REVEREND LEE: Let us pray. Gracious God we thank You for giving us this new day and the privilege of living in this land of freedom.

As we bow before You in prayer do grant upon our State Senators, here assembled, Your wisdom and Your insight. Fill them with love of truth and rule their hearts as they begin another day of legislation for our State.

Also, guide in Your fold our Governor and all the officials in our State in such a way that justice and peace may prevail and our State prosper through their efforts. Hear these our prayers O Lord. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Establish a Maine Rivers Grants Program" (Emergency) (H.P. 100) (L.D. 125)

In Senate March 12, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12) AND HOUSE AMENDMENT "A" (H-26)** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act Relating to the Extension of Benefits by Participating Districts under the Maine State Retirement System" (H.P. 803) (L.D. 1149)

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Regulating the Return of Consumer Goods" (H.P. 804) (L.D. 1150)

Bill "An Act Concerning Assessment of Fees on Persons Depositing Checks Drawn on Insufficient Funds" (H.P. 805) (L.D. 1151)

Bill "An Act to Improve Remedies for Violations of Used Car Laws" (H.P. 806) (L.D. 1152)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Exempting Municipalities from Payment of Registration and Inspection Fees for Certain Municipally-owned Dams" (H.P. 807) (L.D. 1153)

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

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

Bill "An Act to Expand the Victim's Rights Laws" (H.P. 808) (L.D. 1154)

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

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

Bill "An Act Concerning Times for Voter Registration" (H.P. 810) (L.D. 1155)

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
DEPARTMENT OF
FINANCE AND ADMINISTRATION
BUREAU OF ACCOUNTS AND CONTROL
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333

March 27, 1985

Governor Joseph E. Brennan,
Members of the Legislature,
and Other Citizens of Maine

In accordance with Title 5, Maine Revised Statutes Annotated, section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1984.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measureable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to this general rule include accumulated unpaid vacation and sick leave and principal and interest on general long term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the financial statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of the state finances are always welcome.

Respectively submitted,
S/ Sandra J. Crockett
State Controller

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

ORDERS

Joint Resolution

On motion by Senator **NAJARIAN** of Cumberland, (Cosponsored by: Senator **CLARK** of Cumberland, Senator **TWITCHELL** of Oxford, and Senator **GILL** of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution: (S.P. 419)

Joint Resolution Memorializing Congress To Restore Funding For The Small Business Administration

WE, your Memorialists, the Senate and the House of Representatives of the State of Maine in the One Hundred and Twelfth Legislative Session now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, 97% of all businesses in Maine are defined by the Small Business Administration as being small businesses; and

WHEREAS, in 1984, the Small Business Administration approved \$29.3 million in loans to 188 small businesses; maintained a portfolio of over 2,900 loans worth more than \$134 million; sponsored training programs for over 4,000 small business people; and, by establishing a

revolving line of credit financing, made available working capital loans up to \$1 million to exporters; and

WHEREAS, the Small Business Development Center, whose principal source of funding is the Small Business Administration, provided counseling to more than 1,300 businesses, training programs for over 1,500 small business people and responded to more than 650 information requests through its Business Information Service; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Congress of the United States restore the funding for the Small Business Administration, which has assisted Maine businesses throughout the years; and be it further

RESOLVED: That a copy of this Memorial duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to each member of the Maine Congressional Delegation and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

Committee Reports House

Leave to Withdraw

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

Bill "An Act to Authorize the Board of Environmental Protection to Promulgate Experimental Regulations for Certain Nontoxic Solid Waste" (H.P. 568) (L.D. 839)

Ought to Pass

The Committee on **AGRICULTURE** on Bill "An Act to Implement Procedures for Insuring the Safe Return and Proper Disposal of Restricted Pesticide Containers" (Emergency) (H.P. 704) (L.D. 1014)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**. Under suspension of the Rules the Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules ordered sent forthwith to the Engraving Department.

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Assure Equitable Compliance with the Fair Credit Reporting Act" (H.P. 436) (L.D. 618)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**. The Bill **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to establish the Stanwood Wildlife Sanctuary in the City of Ellsworth" (H.P. 332) (L.D. 455)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**. The Bill **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the

County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1985 (Emergency) (H.P. 812) (L.D. 1133)

Reported that the same **Ought to Pass** pursuant to Joint Order: (H.P. 56)

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

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

The Resolve **READ ONCE**.

Under suspension of the Rules, the Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Law Regarding Parking Brake requirements on Motorcycles and Motor Driven Cycles" (H.P. 305) (L.D. 394)

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

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

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

The Bill **READ ONCE**.

The Bill **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Facilitate the Settlement of Tort Claims of \$2,000 or less." (H.P. 343) (L.D.460)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-31)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-31)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-31) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Clarify the Relationship between a Road Commissioner and the Municipal Officers" (H.P. 118) (L.D. 143)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-30)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-30) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Ought to Pass in New Draft

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act Relating to Loans and Investments by Financial Institutions" (H.P. 256) (L.D. 310)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 787) (L.D. 1102)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED**.

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

The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

The Committee on **BUSINESS AND COM-**

MERCE on Bill "An Act to Conform Mortgage Lending Authority Among Financial Institutions" (H.P. 254) (L.D. 308)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 788) (L.D. 1103)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED**.

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

The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Ought to Pass in New Draft under New Title

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Certain Fines for Persons under the Age of 20 Years under the Liquor Laws" (H.P. 131) (L.D. 156)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act Concerning Certain Fines for Persons Under the Legal Drinking Age Under the Liquor Laws" (H.P. 789) (L.D. 1104)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED**.

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

The Bill, in **NEW DRAFT under NEW TITLE, READ ONCE**.

The Bill, in **NEW DRAFT under NEW TITLE, ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Divided Report

The Majority of the Committee on **ENERGY AND RESOURCES** on Bill "An Act Related to the Use and Development of the West Branch of the Penobscot River" (Emergency) (H.P. 450) (L.D. 652)

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

Signed:

Senators:

USHER of Cumberland
EMERSON of Penobscot

Representatives:

HOLLOWAY of Edgecomb
MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
BROWN of Livermore Falls
DEXTER of Kingfield
LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-32)**.

Signed:

Senator:

KANY of Kennebec

Representatives:

MITCHELL of Freeport
COLES of Harpswell
HOGLUND of Portland

Comes from the House with the Majority **OUCHT NOT TO PASS Report READ AND ACCEPTED**

Which Reports were **READ**.

On motion by Senator **VIOLETTE** of **AROOSTOOK** Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senate

Ought to Pass in New Draft

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Provide Credit Unions with the Same Right to make 2nd Mortgage Loans as Exist for Financial Institutions" (S.P. 149) (L.D. 416)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 411) (L.D. 1138)

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

The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide a Sales Tax Exemption for Electricity used in an Electrothermal Manufacturing Process" (S.P. 62) (L.D. 88)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (S.P. 420) (L.D. 1139)

Signed:

Senators:

DIAMOND of Cumberland
EMERSON of Penobscot

Representatives:

McCOLLISTER of Canton
CASHMAN of Old Town
JACKSON of HARRISON
NELSON of Portland
MAYO of Thomaston
INGRAHAM of Houlton
ZIRNKILTON of Mount Desert
HIGGINS of Portland
SWAZEY of Bucksport
WEBSTER of Cape Elizabeth

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

TWITCHELL of Oxford

Which Reports were **READ**.

On motion by Senator **VIOLETTE** of **AROOSTOOK** **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

Senator **PEARSON**: Mr. President and Men and Women of the Senate, for matters of posterity, I guess, and for the Record I would like to say that when an item was dealt with in the Energy and Natural Resources Committee on the hydroelectric licensing last year, I was a Member of that Committee and was intimately involved in the discussion that took place about whether or not there ought to be 105 days, or whatever the length of time ought to be, to consider hydroelectric licensing and whatever.

At the time I did not think that just because the Department of Environmental Protection had a limit of 105 days that that should universally be applied to everybody else. I was opposed to the bill at that time, because I knew that this huge project was coming up and I didn't really know exactly how long it would take.

I do remember that Mr. Paul Firlotte, of Great Northern Paper Company, was in the audience at that time and did say on several occasions, both privately to me and publicly in the committee, that he saw no problem with 105 days because it would allow the Great northern Paper Company to ask for an extension if they so desired. He said that he could foresee no circumstance under which they would not ask for an extension if the Land Use Regulation Commission said they didn't have enough time to properly evaluate the information.

I just want the Record to show that Great Northern Paper Company are the very same people who said at that time that there would be "no problem!"; "no problem," whatsoever with extending time, if the Land Use Regulation Commission indicated that they needed more time. So, that if we are ever engaged in a court action in the future, I want the Record to show that this Member of the Energy and Natural Resources Committee, of that year remembers that conversation distinctly.

I believe that Great Northern Paper Company

will be acting as a responsible cooperative citizen, as they always have, and will allow a reasonable extension for whatever reason the Land Use Regulation Commission asks for it, because that is what they said that they would do when it was passed in the Committee at the time.

Senator **NAJARIAN** of Cumberland was granted unanimous consent to address the Senate On the Record.

Senator **NAJARIAN**: Thank you, Mr. President. Mr. President and Members of the Senate, since it is generally assumed around these Legislative Halls that silence means acquiescence in the bills that pass through here, I want to go On the Record as saying, I would support this Bill had it not been handled in a rather semi-unusual and expeditious fashion.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate, On the Record.

Senator **KANY**: Thank you, Mr. President and Members of the Senate, I, too, wish to speak to the Bill, "An Act Related to the Use and Development of the West Branch of the Penobscot River."

It was clear to me that this bill would not be passing with an emergency preamble on it, so I choose not to ask each Member of the Senate to go On Record in favor, or in opposition to the Bill with its amendment, but I would like to put some information onto the Record regarding this.

I would like all to know that there are no rules yet regarding hydro-licensing in the State of Maine. In 1983 we passed the Maine Rivers Act, by the way, that the law did not become effective until after Great Northern Paper had filed an application with the Federal Energy Regulatory Commission (FERC). I just wanted to put the time frame into proper perspective.

Subsequently, last year in 1984 the Maine Legislature did amend the time frame in which hydro-licensing here in the State of Maine had to occur. The Maine Rivers Act really consolidated all existing hydro-licensing permits into one bill.

LURC (the Land Use Regulation Commission) of the State of Maine was charged with the Development of rules to implement the law under our Administrative Procedures Act. Today, and I even checked this morning with the Secretary of the State's Office, we do not have any rules filed with the Secretary of State's Office yet, on rules under the 1983 Maine Rivers Act.

I think that you should know, that because regarding this application, I have heard many, many people say: "whatever you do don't change the rules in the middle of the game." We'll, there are no rules, and I want you to understand that.

LURC was faced with a huge project, a very complex project, prior to final development of those rules and is, by the way, handling this particular case and application admirably.

We have an outstanding director of LURC who is admired by every party, I am certain. I think that LURC is doing an excellent job itself. They do have a tremendous job. LURC, in my opinion, properly made the decision to look at the alternatives to the development of the "Big A" and unanimously choose to do that. Of course that is part of the development of the rules for this particular application. It certainly is a huge job.

Under our present law, as Senator Pearson has indicated, only the applicant can ask for an extension of the time period. Only the applicant, which is Great Northern Paper Company, otherwise a decision must be made within the 105 days. That final decision on the "Big A" application before our LURC is due on June 11th, so the time period has been running. Time has been running on this for some time even before getting a chance to look at

the alternatives or anything else.

This is a major project and I certainly hope that in the absence of our ability to change the law at this time, to allow LURC the usual ability to also ask for an extension, which is true generally with all of our environmental laws under the Department of Environmental Protection, for instance, then I would certainly hope that Great Northern Paper would grant an extension if one is needed.

I would like to point out to you that I personally see no need to hurry our State to look at the very, very important, complex application, because Great Northern Paper will not be able to do anything at all until it has a FERC license. I think that that is important for you all to understand. The original bill, or the amendment, both of which were just defeated here, neither really would have extended the period in which Great Northern would have had to wait FERC's final decision on any license.

I just wanted to share those facts with you before we go on about our other business before us.

Senator **USHER** of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator **USHER**: Thank you, Mr. President. Just as a matter of information, to go On the Record, I do concur with the comments from the Senator from Penobscot, with regard to the 111th Legislature and all of the discussions with the legal counsel from the applicant which happens to be Great Northern. The identical statements were made at the public hearing, which was heavily attended. We had at times over a hundred people there. The legal counsel stated that they did have a lot of money invested, they have a person assigned to all LURC meetings. In other words, they are there all of the time. They are aware of what is going on and they are monitoring everything. If they need an extension, this will be an agreement probably around the first of June.

Starting Monday, April 1st, the public hearings will begin. They will begin in the Millinocket area at 1 p.m. I believe at the High School. They expect them to last around two weeks, maybe more, then they will receive testimony in another location, which is going to be at the Gardiner Armory, down in the Gardiner Area.

We expect the whole month of April to have public hearings if the results of these public hearings merit an extension, they will probably receive one. The system was put in during the 111th Legislature. Let's see it work. I am sure that with all of the cooperation and everybody is really concerned on this project, I am sure that there will be good cooperation on the whole project.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate, On the Record.

Senator **KANY**: Thank you very much, Mr. President. Members of the Senate, I just wanted to mention two items and that is that this year during the hearings on the time period Great Northern Paper indicated to all of us that it would be willing to grant an extension of time, if LURC requested it, if its lawyers thought that that request was a reasonable one. They put that in writing and they reiterated it several times.

In my opinion that is not appropriate for us, as a State, with the responsibility for a public resource to rely upon that. But obviously I was in the minority, I just wanted you to understand that.

Secondly, I would like to tell you that my recollection of the facts, which occurred last year and Great Northern's statement at that time, is identical to that of Senator Pearson who served on the Committee last year with me.

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate Off the Record.

Senate at Ease

The Senate called to order by the President.

On motion by Senator **VIOLETTE** of Aroostook **RECESSED** until 5 o'clock this afternoon.

After Recess

The Senate called to order by the President.

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

ENACTOR

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

Emergency

An Act to Implement Procedures for Insuring the Safe Return and Proper Disposal of Restricted Pesticide Containers (S.P. 704) (L.D. 1014)

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.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BROWN** from the Committee on **EDUCATION** on Bill "An Act Concerning the Maine Maritime Academy Board of Visitors" (S.P. 20) (L.D. 24)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-32)

Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Committee Amendment "A" (S-32) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

Bill "An Act to Assure Equitable Compliance with the Fair Credit Reporting Act" (H.P. 436) (L.D. 618)

Bill "An Act to Amend the Law Regarding Parking Brake Requirements on Motorcycle and Motor Driven Cycles" (H.P. 305) (L.D. 394)

Bill "An Act Relating to Loans and Investments by Financial Institutions" (H.P. 787) (L.D. 1102)

Bill "An Act to Conform Mortgage Lending Authority Among Financial Institutions" (H.P. 788) (L.D. 1103)

Bill "An Act Concerning Certain Fines for Persons Under the Legal Drinking Age Under the Liquor Laws" (H.P. 789) (L.D. 1104)

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

Bill "An Act to establish the Stanwood Wildlife Sanctuary in the City of Ellsworth" (H.P. 332) (L.D. 455)

Which was **READ A SECOND TIME**.

On motion by Senator **DANTON** of York, Senate Amendment "A" (S-33) was **READ** and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED, as Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

House As Amended

Bill "An Act to Clarify the Relationship between a Road Commissioner and the Municipal

Officers" (H.P. 118) (L.D. 143) (C "A" H-30)
 Bill "An Act to Facilitate the Settlement of
 Tort Claims of \$2,000 or less" (H.P. 343) (L.D.
 460) (C "A" H-31)

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

Senate

Bill "An Act to Provide Credit Unions with
 the Same Right to make 2nd Mortgage Loans
 as Exist for Financial Institutions" (S.P. 411)
 (L.D. 1138)

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

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

COMMUNICATION

The Following Communication:

COMMITTEE ON HUMAN RESOURCES 112th LEGISLATURE

March 27, 1985

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6,
 Section 151, and with Joint Rule 38 of the
 112th Maine Legislature, the Joint Standing
 Committee on Human Resources has had under
 consideration the nomination of Sandra K.
 Prescott of Bucks Harbor, as the Chair of the
 Maine State Health Coordinating Council.

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

YEAS:	Senators	3
	Representatives	9
NAYS:		0
ABSENT:	1 (Rep. Seavey of Kennebunkport)	

Twelve members of the Committee having
 voted in the affirmative and none in the
 negative, it was the vote of the Committee that
 the nomination of Sandra K. Prescott of Bucks
 Harbor, as the Chair of the Maine State Health
 Coordinating Council be confirmed.

Sincerely,
 S/ Gerorgette B. Berube
 Senate Chair
 S/ Merle Nelson
 House Chair

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

THE PRESIDENT: The Joint Standing Com-
 mittee on **HUMAN RESOURCES** has recom-
 mended the nomination of **Sandra K.
 Prescott** be confirmed.

The pending question before the Senate is:
 "Shall the recommendation of the Committee
 on **HUMAN RESOURCES** be overridden?" In
 accordance with 3 M.R.S.A., Chapter 6, sec-
 tion 151 and with Joint Rule 38 of the 112th
 Legislature, the vote will be taken by the yeas
 and nays. A vote of Yes will be in favor of over-
 riding the recommendation of the Committee.
 A vote of No will be in favor of sustaining the
 recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

YEAS:—None

NAYS:—Senators, Andrews, Berube, Black,
 Brown, Bustin, Chalmers, Clark, Danton, Dow,
 Emerson, Erwin, Gill, Hichens, Kany, Mat-
 thews, Maybury, McBreairty, Najarian, Pear-
 son, Perkins, Shute, Stover, Trafton, Tuttle,
 Twitchell, Usher, Webster, The President—
 Charles P. Pray

ABSENT:—Senators, Baldacci, Carpenter,

Diamond, Dutremble, Gauvreau, Sewall,
 Violette

No Senators having voted in the affirmative
 and 28 Senators having voted in the negative,
 with 7 Senators being absent, and None being
 less than two-thirds of the membership pres-
 ent, it was the vote of the Senate that the Com-
 mittee's recommendation be **ACCEPTED** and
 the nomination of **Sandra K. Prescott** was
CONFIRMED.

The Secretary has so informed the Speaker
 of the House.

ORDERS OF THE DAY

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

SENATE REPORTS—from the Committee on
TAXATION Bill "An Act to Provide a Sales
 Tax Exemption for Electricity used in an Elec-
 trothermal Manufacturing Process" (S.P. 62)
 (L.D. 88)

Majority Report—**Ought to Pass in New
 Draft** under same title (S.P. 420) (L.D. 1139)

Minority Report—**Ought Not to Pass**
 Tabled—March 28, 1985, by Senator
VIOLETTE of Aroostook. Pending—
ACCEPTANCE OF EITHER REPORT

(In Senate, March 28, 1985, Reports **READ**.)

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

Senator **TWITCHELL:** Mr. President, I move
 the Senate Accept the Minority Ought Not to
 Pass Report.

THE PRESIDENT: The Senator from Ox-
 ford, Senator Twitchell moves the Senate **AC-
 CEPT** the Minority **OUGHT NOT TO PASS**
 Report of the Committee.

The Chair recognizes the Senator from Ken-
 nebec, Senator Kany.

Senator **KANY:** Mr. President, I ask for a divi-
 sion and I ask everyone to vote against the pen-
 ding motion. First of all, I would like to ask to
 have the Committee Reports read. Thank you,
 Mr. President and Members of the Senate.

THE PRESIDENT: The Secretary will read
 the Committee Report.

The Committee Reports were **READ**.

THE PRESIDENT: A Division has been
 requested.

The pending question before the Senate is
 the motion of the Senator from Oxford,
 Senator **TWITCHELL** to **ACCEPT** the Minori-
 ty **OUGHT NOT TO PASS** Report of the
 Committee.

Will all those Senators in favor of Accepting
 the Minority Ought Not to Pass Report, please
 rise in their places and remain standing until
 counted.

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

8 Senators having voted in the affirmative
 and 20 Senators having voted in the negative,
 the motion to **ACCEPT** the Minority **OUGHT
 NOT TO PASS** Report of the Committee
FAILED.

The Majority **OUGHT TO PASS** in **NEW
 DRAFT** Report was **ACCEPTED**.

The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT TOMORROW
 ASSIGNED FOR SECOND READING**.

Senate at Ease

The Senate called to order by the President.

On motion by Senator **CLARK** of
 Cumberland, **ADJOURNED** until 11:30
 tomorrow morning.