

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
 Wednesday
 May 1, 1985
 Senate called to Order by the President.

Prayer by The Honorable Jean B. Chalmers of Knox.

SENATOR CHALMERS: Thank you. In memory of all those who have suffered from tyranny and bigotry and prejudice, may I share with you a prayer from the Union Prayer Book?

"May the time not be distant, O God, when Thy name shall be worshiped in all the earth, when unbelief shall disappear and error be no more. Fervently we pray that the day may come when all men shall invoke Thy name, when corruption and evil shall give way to purity and goodness, when superstition shall no longer enslave the mind, nor idolatry blind the eye, when all who dwell on earth shall know that to Thee alone every knee must bend and every tongue give homage. O may all, created in Thine image, recognize that they are brethren, so that, one in spirit and one in fellowship, they may be forever united before Thee. Then shall Thy kingdom be established on earth and the word of Thine ancient seer be fulfilled: The Lord will reign forever and ever.

On that day the Lord shall be One and His name shall be One. Amen."

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Prevent the Hospital Cost Containment Law from Substituting for the Collective Bargaining Process" (S.P. 529) (L.D. 1424)

In Senate, April 29, 1985, referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

(Off Record Remarks)

House Papers

Bill "An Act to Revise the Statutes Relating to the Maine Milk Pool Law" (H.P. 997) (L.D. 1439)

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

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

Bill "An Act to Improve the Budgetary Process" (H.P. 992) (L.D. 1429)

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act to Establish a Uniform Method by Which the Authority to Confer Degrees by Colleges Operating in Maine is Authorized" (H.P. 993) (L.D. 1430)

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

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

Bill "An Act Relating to Removal of Children from Certain Foster Homes" (H.P. 994) (L.D.

1431)
 Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432)

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

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

Resolve, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433)

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

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

Joint Resolution

The Following Joint Resolution: (H.P. 991)

JOINT RESOLUTION EXPRESSING CONCERN OF THE LEGISLATURE OVER THE PROPOSED FURNISHING OF SALMON SMOLTS FOR COMMERCIAL USE

WHEREAS, the raising of salmon smolts is funded by a direct tax on sporting equipment; and

WHEREAS, 2.2 million smolts are needed to meet the salmon restoration plan adopted for the State; and

WHEREAS, there are only 752,000 smolts now available which is far short of the amount planned; and

WHEREAS, many of the rivers listed will go without smolts until more are raised; and

WHEREAS, it has come to the attention of the Legislature that negotiations are about to take place to provide smolts to commercial operations at taxpayers' expense and the detriment of all plans; now, therefore, be it

RESOLVED: That We the Members of the 112th Legislature, now assembled in First Regular Session hereby express our concern over the proposed negotiations to furnish public-funded salmon smolts to commercial operations before the established restoration plan is fully implemented; and be it further

RESOLVED: That the Atlantic Sea Run Salmon Commission be informed that the Legislature does not favor any agreement between the commission and the United States Department of Fisheries and Wildlife to sell, barter or furnish in any way salmon smolts for the benefit of a commercial enterprise operating within the State; and be it further

RESOLVED: That a suitable copy of this resolution be sent to the Chairman of the Atlantic Sea Run Salmon Commission to indicate the concern of the Legislature.

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

Which was **READ**.
 On motion by Senator **BROWN** of Washington, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

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

April 30, 1985

Honorable Joy J. O'Brien
 Secretary of the Senate
 112th Legislature
 Augusta, Maine 04333
 Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on **RESOLVE**, to Name the Wiscasset Bridge the Donald E. Davey Bridge (H.P. 373) (L.D. 492)

Representative MAYO of Thomaston
 Representative MILLS of Bethel
 Representative STROUT of Corinth

Sincerely,
 S/ EDWIN H. PERT
 Clerk of the House

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Permit the Secretary of State to Issue Work-restricted Drivers' Licenses to First Time OUI Offenders" (H.P. 462) (L.D. 663)

Bill "An Act to Limit Investments by Electric Companies in Certain Generating Facilities without Stockholder Approval" (H.P. 780) (L.D. 1101)

Bill "An Act Clarifying the Authority of Utilities to Establish Disconnection and Deposit Rules" (H.P. 125) (L.D. 150)

Bill "An Act Concerning Payment of Trustees of the Kingfield Water District" (Emergency) (H.P. 651) (L.D. 921)

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H.P. 369) (L.D. 489)

Bill "An Act to Impose a Sales Tax on Media Advertising" (H.P. 539) (L.D. 766)

Bill "An Act to Complete the Maine Job Start Program Revolving Loan Fund" (H.P. 153) (L.D. 187)

Bill "An Act to Fund a Marketing Study on the Effects of Lowering Liquor Prices Throughout the State" (H.P. 18) (L.D. 16)

Ought to Pass

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Increase the Allocation for Personal Services Expenditures under the Maine Hazardous Waste Fund for Fiscal Year 1985" (Emergency) (H.P. 873) (L.D. 1230)

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 **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft

The Committee on **AGRICULTURE** on Bill "An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers" (H.P. 250) (L.D. 304)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 981) (L.D. 1412)

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 TOMORROW ASSIGNED FOR SECOND READING**.

(Off Record Remarks)

Ought to Pass in New Draft under New Title

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Provide for Public Rest Rooms in Eating Places" (H.P. 406) (L.D.

559)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Provide for Public Rest Rooms in Eating Establishments" (H.P. 980) (L.D. 1411)

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, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **EDUCATION** on Bill "An Act Concerning Uniform Teacher Evaluation Standards" (H.P. 439) (L.D. 621)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Requiring the Department of Educational and Cultural Services to Establish Models for Evaluating Teachers" (H.P. 989) (L.D. 1420)

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, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Prescribe when a Caboose is Required in Connection with Movements of Locomotives and Cars" (H.P. 50) (L.D. 56)

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

Senators:

DANTON of York
SHUTE of Waldo

Representatives:

SOUICY of Kittery
POULIOT of Lewiston
CAHILL of Woolwich
THERIAULT of Fort Kent
McPHERSON of Eliot
MOHOLLAND of Princeton
CALLAHAN of Mechanic Falls

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

ERWIN of Oxford

Representatives:

MACOMBER of South Portland
MILLS of Bethel
STROUT of Corinth

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

Which Reports were **READ**.

THE PRESIDENT: Is it the pleasure of the Senate to Accept the Majority Ought Not to Pass Report?

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President and fellow Senators, I ask for a Division, and I hope that you vote against the Majority Ought Not to Pass Report.

The Bill calls for cabooses being available except under certain circumstances. I, as you know, represent the Waterville area and we have had a number of derailments in our area; and I'm very concerned that we allow these companies so interested in making an extra dollar to eliminate cabooses.

Just within the last year in the good Senator from Kennebec, Senator Matthews' town of

Winslow, we have had two derailments, right at the very end of the Waterville/Winslow bridge, right in Winslow, stopping all traffic for many hours and causing serious problems. Fortunately, not one was hurt in those.

We had another major derailment a year or so ago in which a chlorine tank car overturned in Oakland, and that caused considerable worry, to say the least, we could have had a very major disaster.

A few years before that we had a camp in Oakland near the Oakland/Belgrade border, and there was another derailment, and a very minor spill of oil, but still leaking into Messalonskee Lake into Snow Pond.

It just seems to me in these days, particularly, when we carry a great deal of hazardous material by rail, and when we're so concerned with fire, and unfortunately, railroads and rail cars often do cause fires, that it is in my estimation, just bad judgment to try and make an extra dollar or two by not using cabooses. There are instances, and we can all relate them in which we know specifically, that the existence of the caboose has really averted a major disaster or alerted us to cars that have been left behind.

I urge you to vote against the pending motion and instead to allow this Bill to go on its way toward Enactment.

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

Senator **DANTON:** Mr. President and Members of the Senate, I think everyone in this Chamber is concerned about public safety. My concern as Chairman of the Transportation Committee is, also, a concern that I would like to see the railroads in the State of Maine.

I was sort of hoping that this issue would be set aside because we do have plans to try and do something, but let's first get into the discussion of cabooses and why cabooses have gone by the wayside, so to speak.

Back in 1982 there was a Federal fact finding board and they recommended a procedure for removing cabooses from freight trains, which was agreed to by both the carriers and the United Transportation Union. This progress was a formal negotiation to which both parties made commitments. Part of that accord (and before I go much further, I want you to know that I got these statistics from our own local railroad, the Bangor and Aroostook) part of that accord for the removal of cabooses from twenty-five percent of freight trains was without agreement of both parties. Provided safety of their employees was sound, that seating and storage for employees and their equipment was adequate.

Since the agreement there have been twenty-three cases submitted to arbitration, and in every case that board ruled in favor of the carrier. L.D. 56 ignores the negotiating process that has already taken place, and puts the process back to the beginning. It can be argued that the Maine Legislature should not be a party to the collective bargaining process between the railroads and the unions.

The Bill purports to have in mind the safety of the citizens who work or live near railroads by requiring that a caboose be attached to freight trains. I just want you to know I worry about that. Perhaps I have more railroad crossings in my Senate District just in the town of Old Orchard Beach, and I just want to remind the Senate that the town of Old Orchard Beach for about ten weeks is the largest city in the State of Maine.

How a caboose enhances the safety of persons who work or live near railroad tracks is left unclear. Cabooses are certainly hazardous to Bangor and Aroostook employees who ride in them. Since 1967 twenty-four of them have been injured as the result of slack action of the train and other incidences. Also, unclear is our public safety is preserved once an agreement has been reached between the railroad and its union. They agreed to these things.

The only incident we can find of non-automobile property damage caused by any kind of railroad incidents, since we have been keeping records, occurred as a result of a fuel tank truck running into the side of a Bangor and Aroostook freight train at a crossing protected by flashing lights and bells. The accident occurred on March 2, 1982, and burning oil from the tank truck ran down the street, and it ignited and destroyed a residence some distance from that crossing. A caboose was attached to the train, but its presence served no purpose in preventing the accident or saving the property. Only the presence and quick action of the train crew and locomotive did that by moving the train out of the path of the fire at a considerable risk to the engineers themselves.

Most of Bangor and Aroostook's track winds through forest, or hill country, and vision of the train from caboose is sharply limited by the train. So if someone was in the caboose, and these so called hot boxes that you've heard so much discussion about on this third floor for the past week or so I want someone in this Senate Chamber after I get through to get up and explain to me how someone in the caboose, can look out and detect a hotbox on a freight car? Tell me how they are going to detect its hot, especially in a snowstorm or in a rainstorm? That's something that has to be done in the railroad yard.

The hazards for train crews in the caboose far outweigh the advantages of having them there for public safety. There is technology available for end of train monitoring by electronic and other means to provide protection for people who live near railroad tracks.

Maine's small railroads (and this is my prime concern). Maine's small railroads are fighting for their lives in a world of mega-railroads and mushrooming truck competition.

In the deregulated environment small roads, like Bangor and Aroostook, may well slip through the cracks unless they become more efficient. That can't be done with Maine lawmakers forcing us to negotiate labor agreements twice.

In 1965 Bangor and Aroostook was moving one hundred and one thousand carloads of freight annually. They provided nine hundred and eighty-eight jobs for Maine people, and those jobs, Members of the Senate, are the real good jobs—upwards of twenty-five thousand dollars a year.

By 1983 our carloading had shrunk to fifty-three thousand cars, and the work force to four hundred and seventeen people—half. Maine railroads need creative help from their lawmakers—not more regulations—let them negotiate it. We passed those laws years ago "negotiation" that's the word.

To address the safety issue, we feel employees riding in engines are safer than those in cabooses. We proposed to monitor the railroad trains in which cabooses are eliminated by technology which is always alter never sleeps and can function as well in snow and rain as in the bright sunlight.

We are concerned with safety. We cannot afford to operate unsafe trains. These facts I got from the Bangor and Aroostook, a small railroad in the State of Maine.

Now a caboose is an expensive item: it's upwards of seventy thousand dollars for a caboose and it is a very fragile piece of equipment. Statistics show, and it is a matter of record I took the time to find out because it is not a very popular position for me to take as a Democrat, and as a Senate Chairman, most injuries on trains happen on cabooses. The unions did agree to phase out cabooses. If they can get back to the table and get cabooses back in, that's all well and fine—that's what I believe in—negotiating this item—not coming here to the Maine Legislature. We should get away from that!

Cabooses, some of them belong in museums.

I can remember cabooses. There are some of us in this Chamber that can remember cabooses. There's many of you in this Chamber that have never rode on a train or have ever seen a caboose. So, I have some nostalgic purposes for cabooses, but this is not the right Bill.

I would hope you would vote with me to accept the Majority Ought Not to Pass. Thank you, Mr. President.

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

Senator **KANY:** Mr. President and Senators, this Bill sponsored by Representative Boutilier was just called to my attention this morning, and I was really very surprised to see that report, after reading the Bill. Why are cabooses so fragile? It is probably because they've been left behind and some other engine has run in to them. I wish I were kidding but unfortunately I'm not!

I would like to tell you, I mentioned that we had a camp in Oakland on Messalonskee Lake at one time, and there was an oil spill from a derailed car there. We actually ended up deciding to sell that camp after three years, because the railroad really was so close, and lumber, timber was constantly falling off and it really did seem to be a dangerous thing with children around. I think that you really would be surprised if you did take note of the actual safety factors involved.

I wish that you would look at the Bill. We're not talking in this Bill about requiring a caboose at the end of every train—every set of railroad cars. It only applies when they're over fifteen hundred feet of railroad cars—fifteen hundred feet. I'm sure that this room is less than a hundred feet—fifteen hundred feet! Is that too much to ask? I think that that's absolutely ridiculous. I have the feeling that there are those who would love to see a wonderfully, profitable railroad here in this area, and I think that that is absolutely fine, but please not at the expense of safety.

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

Senator **BERUBE:** Thank you, Mr. President, Members of this Senate, all of this talk of cabooses has reminded me of many fond trips on trains, years and years and years ago, and a thought has come to my mind suddenly. Can you imagine a kid receiving a toy train set without a caboose? I think I'll vote for against the Ought Not to Pass Report.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Chalmers.

Senators **CHALMERS:** I don't have something witty to say like that, but let me just say that it's my understanding that this is a safety bill. This is not a feather bedding bill; this is not a bill that pits union against the big company, and I think that it is a shame that that issue is brought in.

We have papers on our desks which mention some of the safety issues, some of the times, when people on the back end of the train have been assisting and stopping accidents.

I would hope that we would consider this Bill as a safety Bill and vote Ought Not to Pass—vote to pass it, excuse me!

(Off Record Remarks)

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

Senator **BALDACCI:** Mr. President and Members of the Senate, I have very recently become an expert in railroads and rails; and through that intensive training that I've received in the last ten days, I would just like to share with you a very simple analysis.

I don't think that cabooses are going to make one damn bit (excuse my language) difference in the railroads that we have. I watched a railroad car run around Lucerne Lake, and I'm telling you the chemicals on the rail, and it was bouncing up and down. The rails are in the worse condition I've ever seen! They shouldn't

even ride along that area—beautiful lake front property—hundred thousand dollar houses—could be totally devalued with a spill in the lake, but it is not the caboose that is going to solve it; it's the rails itself.

I've talked to Commissioner Connors this morning, and we talked about a rail policy that he going to be presenting to this Legislature that's very comprehensive. I think for us to be concerned about this particular issue at this time, is putting the "caboose before the horse." I would like to think that we could work together and try to reroute the traffic and make the lines better, safer in the long run. I think that's more important. So, I'll be supporting the Ought Not to Pass.

THE PRESIDENT: A division has been requested.

Will all those Senators in favor of the Acceptance of the Majority Ought Not to Pass Report, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

Out of Order and under Suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:
COMMITTEE ON LABOR
112th LEGISLATURE
AUGUSTA, MAINE

May 1, 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 Labor has had under consideration the nomination of Marvin Ewing of South Windham, as a member of the Maine Unemployment Insurance Commission.

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

YEAS:	Senators	2
	Representatives	10
NAYS:		0
ABSENT:	1 (Senator Tuttle of York)	

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 Marvin Ewing of South Windham, as a member of the Maine Unemployment Insurance Commission be confirmed.

Sincerely,
S/ DENNIS L. DUTREMBLE
Senate Chair
S/ EDITH S. BEAULIEU
House Chair

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

THE PRESIDENT: The Joint Standing Committee on **LABOR** has recommended that the nomination of Marvin Ewing be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on **LABOR** be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 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 overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senators, None

NAYS:—Senators, Andrews, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Twitchell, Usher, Violette, Webster, The President—Charles P. Pray.

ABSENT:—Senator, Dutremble

No Senators having voted in the affirmative and 34 Senators having voted in the negative, and 1 Senator being absent and None being less than two-thirds of the Membership present it was the vote of the Senate that the recommendation of the Committee be **ACCEPTED** and the nomination of **Marvin Ewing** was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

(Off Record Remarks)

Senate
Ought Not to Pass

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

Bill "An Act to Strengthen the Provision of Technical Forestry Assistance to Forest Landowners" (S.P. 371) (L.D. 1005)

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 Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units" (S.P. 474) (L.D. 1277)

Ought to Pass As Amended

Senator **DANTON** for the Committee on **TRANSPORTATION** on Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (S.P. 319) (L.D. 808)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-66)

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

Committee Amendment "A" (S-66) **READ** and **ADOPTED.**

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

Ought to Pass in New Draft

Senator **BROWN** for the Committee on **EDUCATION** on Bill "An Act Relating to Instruction in American Sign Language in Public Schools and Institutions of Higher Education" (S.P. 172) (L.D. 464)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 540) (L.D. 1447)

Which Report was **READ** and **ACCEPTED.** The Bill in **NEW DRAFT READ ONCE.**

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

Senator **SHUTE** for the Committee on **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 356) (L.D. 964)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (S.P. 539) (L.D. 1446)

Which Report was **READ** and **ACCEPTED**. The Bill in **NEW DRAFT READ ONCE**. The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

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

House

Bill "An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies" (H.P. 975) (L.D. 1398)

Bill "An Act Relating to the Hancock County Trustees of Public Reservations" (Emergency) (H.P. 802) (L.D. 1136)

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

House As Amended

Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" (H.P. 216) (L.D. 250) (C "A" H-96)

Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites" (H.P. 976) (L.D. 1399) (H "A" H-99)

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

Senate

Bill "An Act to Encourage Early Identification and Treatment of Impaired Physicians" (S.P. 534) (L.D. 1435)

Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

Bill "An Act to Appropriate Funds to the State Library for Support of the Information Exchange" (S.P. 269) (L.D. 727)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" (S.P. 395) (L.D. 1105) (C "A" S-63)

Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (S.P. 270) (L.D. 728) (C "A" S-65)

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

ENACTORS

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

An Act Concerning the Excise Tax on Malt Liquor Sold for Consumption on Board a Ship Headed for a Foreign Port (S.P. 317) (L.D. 806)

An Act to Assure Advocacy Services for Children with Learning Disabilities (S.P. 509) (L.D. 1369)

An Act Defining the Right of State Employees to Testify Before Legislative Committees (H.P. 78) (L.D. 98) (C "A" H-85)

An Act to Allow Educational Institutions within the State to Purchase State Surplus Property (H.P. 314) (L.D. 403) (C "A" H-81)

An Act to Increase the Penalties for Stocking Fish in Inland Waters Without a Permit (H.P. 573) (L.D. 844) (C "A" H-77)

An Act to Expand the Membership of the Maine Occupational Information Coordinating Committee (H.P. 730) (L.D. 1039) (S "A" S-59)

An Act Concerning Hunting with Bow and Arrow on Privately Owned Property (H.P. 950) (L.D. 1348)

An Act Pertaining to the Terms of Members of Transit District Boards (H.P. 650) (L.D. 920)

An Act to Amend the Forest Fire Suppression Tax to Allow Persons Affected by Tax Liens One Year to Pay those Taxes (H.P. 613) (L.D. 883)

An Act to Establish a Division of Deafness within the Bureau of Rehabilitation (S.P. 202) (L.D. 552) (C "A" S-53)

An Act to Require Newly Appointed County and Municipal Law Enforcement Officers to Complete a Basic Training Course within the First 6 Months of Their Employment (S.P. 513) (L.D. 1387)

An Act to Amend the Department of Environmental Protection Laws (S.P. 414) (L.D. 1144) (S "A" S-61)

An Act to Raise the Amount over which Contractors must Seek Municipal Bonding (S.P. 314) (L.D. 803) (C "A" S-56)

An Act Concerning Land Conveyed by the State to the Town of Bridgton (S.P. 337) (L.D. 787)

An Act Relating to the Assessment of Storage Fees by Motor Vehicle Service Stations (S.P. 296) (L.D. 785) (C "A" S-58)

An Act to Regulate Public Swimming Pools and Spas (S.P. 135) (L.D. 374) (C "A" S-57)

Senate at Ease

The Senate called to Order by the President.

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 Establishing a System for the Reporting of Selected Occupational Diseases (H.P. 953) (L.D. 1372)

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

An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation (H.P. 430) (L.D. 610) (C "A" H-87)

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

An Act to Authorize the Use of Blue Lights on Liquor Enforcement Vehicles (S.P. 519) (L.D. 1393)

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

An Act to License Dietitians (S.P. 520) (L.D. 1397)

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

Under Suspension of the Rules the following items were taken up inclusively:

Emergency

An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act (H.P. 413) (L.D. 580) (C "A" H-82; S "A" S-62)

Emergency

An Act Making Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985 (S.P. 322) (L.D. 811)

Emergency

An Act to Annex Certain Lands to the Town of Millinocket (S.P. 280) (L.D. 738) (C "A" S-54)

Emergency

An Act to Authorize a Self-liquidating Bond Issue for Waldo County for Renovation of and Addition to the Waldo County Court Facility (H.P. 282) (L.D. 352) (C "A" H-78)

Emergency

An Act to Amend the Effective Dates of Various Parts of the Education Reforms Enacted in September 1984 (H.P. 720) (L.D. 1030) (S "A" S-60)

Emergency

An Act to Authorize a Self-liquidating Bond Issue for Waldo County to Construct a Building to House County Extension Services (H.P. 283) (L.D. 353) (C "A" H-79)

These being Emergency Measures and having received the affirmative votes of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected membership of

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

Emergency

An Act to Establish the Maine Conservation Corps (H.P. 849) (L.D. 1205) (H "A" H-86)

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

Emergency

An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities (S.P. 952) (L.D. 1371)

On motion by Senator **VIOLETTE** of Aroostook, tabled for 1 Legislative Day, pending **ENACTMENT**.

ORDERS OF THE DAY

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

Bill "An Act to Establish a Job Development Training Fund for Maine's Shoe Industry" (S.P. 537) (L.D. 1438)

Tabled—April 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **REFERENCE** (Committee on **LABOR** suggested and **ORDERED PRINTED**.)

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

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

Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944) (C "A" H-89)

Tabled—April 30, 1985, by Senator **VIOLETTE** of Aroostook.

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

(In House, April 25, 1985 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.)

(In Senate, April 29, 1985, **READ A SECOND TIME**.)

On motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies" (S.P. 518) (L.D. 1392)

Tabled — April 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** (In Senate, April 25, 1985, **READ A SECOND TIME**.)

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-67) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED**, as Amended.

Sent down for concurrence.

Out of Order and under Suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Bill "An Act to Increase the Classification for the Crime of Incest" (S.P. 69) (L.D. 120)

Leave to Withdraw

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

Bill "An Act to Establish the Boundary between Machias and Machiasport" (S.P. 115) (L.D. 330)

Bill "An Act to Add Real Property or Rent to the Definition of Theft of Services" (S.P. 204) (L.D. 535)

Bill "An Act to Provide Optional Coverage for Speech-language Pathology and Audiology in Group Health Insurance" (S.P. 92) (L.D. 290)

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

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate Off the Record.

(Off Record Remarks)

On motion by Senator **TWITCHELL** of Oxford,

ADJOURNED until 9 o'clock tomorrow morning.