

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

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

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540) AS AMENDED BY HOUSE AMENDMENT "A" (H-564) thereto AND SENATE AMENDMENT "A" (S-389) in NON-CONCURRENCE.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's session, pending FURTHER CONSIDERATION.

In Senate Chamber
Tuesday
March 11, 1986

House Papers

Senate called to Order by the President.

Bill "An Act to Amend the Law Giving Protection to Shareholders in Maine Corporations"
H.P. 1529 L.D. 2164

Prayer by Reverend Bruce Hudson of the Highland Avenue Methodist Church in Gardiner.

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

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

REVEREND HUDSON: Could we be in the spirit of prayer. Creator, God, we are thankful for this day and for this life and for the many blessings of life. We are especially thankful for this opportunity to govern, to be in the decision making process of government. For we know Lord, when we do for others, we do Your will. Help us to place self-interest below the needs of persons who are in need. Help us to do what is just and fair. Guide us, we pray, in the tasks before this day. Amen.

Bill "An Act Concerning Property Tax Assessment and Appeals"
H.P. 1530 L.D. 2165

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

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

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

COMMITTEE REPORTS
House
Leave to Withdraw

Bill "An Act Concerning State Contribution to Pollution Abatement"
H.P. 1469 L.D. 2071
(S "A" S-389; H "A" H-540)

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

In House, March 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540).

Resolution, Proposing an Amendment to the Constitution of Maine to Provide for an Express Statement of the Right to Bail and Authorizing the Denial of Bail in Certain Cases
H.P. 637 L.D. 905

In Senate, March 5, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" S-389 AND HOUSE AMENDMENT "A" H-540 in NON-CONCURRENCE.

Bill "An Act to Adjust the Rate of Compensation of the Members of the Maine Health Care Finance Commission"

H.P. 1211 L.D. 1718

Bill "An Act to Require Public Utilities Commission Approval of Agreements for Joint Planning and Operation of Electric Public Utility Systems"

H.P. 1373 L.D. 1937

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System"

H.P. 1429 L.D. 2020

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 LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Decrease Mobile Home Park License Fees" (Emergency)

H.P. 1354 L.D. 1898

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-559).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-559) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Make Clarifications in the Laws of Maine Relating to the Workers' Compensation Act" (Emergency)

H.P. 1441 L.D. 2033

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-560).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-560) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Grandfather Current Employees Regarding the Purchase of Military Service Time"

H.P. 1272 L.D. 1789

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1528 L.D. 2157

Comes from the House, with 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 LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Strengthen State-Local Cooperation through Regional Councils" H.P. 837 L.D. 1181

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-558).

Signed:

Senators: TUTTLE of York
BALDACCI of Penobscot
STOVER of Sagadahoc

Representatives: MCHENRY of Madawaska
HALE of Sanford
MURPHY of Berwick
WENTWORTH of Wells
MASTERMAN of Milo
DAGGETT of Manchester
ROTONDI of Athens
C.B. SMITH of Island Falls
NICKERSON of Turner

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

Signed:

Representative: SALSBURY of Bar Harbor

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-558) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator CHALMERS for the Committee on JUDICIARY on Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" S.P. 721 L.D. 1844

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-402).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-402) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator USHER for the Committee on FISHERIES AND WILDLIFE on Bill "AN Act to Revise the Statutes Pertaining to Use and Sale of Live Fish as Bait" S.P. 682 L.D. 1767

Reported that the same Ought to Pass in New Draft under same title. S.P. 858 L.D. 2169

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

Senator BUSTIN for the Committee on BUSINESS AND COMMERCE on Bill "An Act to Provide for the Licensing of Persons Engaged in Property Management" S.P. 726 L.D. 1849

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen" S.P. 857 L.D. 2160

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Permit the Supreme Judicial Court to Authorize Employees of the Bureau of Taxation and of the Bureau of Employment Security to Participate in Court Proceedings"

H.P. 1521 L.D. 2141

Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act and to Limit the Personal Liability of Governmental Entity Employees" (Emergency)

H.P. 1522 L.D. 2142

Bill "An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State"

H.P. 1523 L.D. 2143

Bill "An Act to Provide Funding for Mental Health Programs"

H.P. 1524 L.D. 2144

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1986 (Emergency)

H.P. 1525 L.D. 2154

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1986 (Emergency)

H.P. 1526 L.D. 2155

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

House As Amended

Bill "An Act to Reduce the Burden of Property Taxes on Persons who are Elderly"

H.P. 1212 L.D. 1719
(C "A" H-557)

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

Senate

Bill "An Act Concerning Filing Fees to the Public Utilities Commission"

S.P. 729 L.D. 1852

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Make Changes in the Reserve Fund for Municipal Water Departments and Quasi-municipal Water Districts"

S.P. 649 L.D. 1674
(C "A" S-394)

Which was 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 Relating to Settlement Negotiations and Investigation of Facts by the Maine Human Rights Commission

H.P. 1228 L.D. 1735
(C "A" H-548)

An Act Regarding Certification Records of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises to be Confidential

H.P. 1260 L.D. 1770

An Act Exempting Mercinaria Mercinaria Raised by Means of Aquaculture from the 2-inch Clam Law

H.P. 1308 L.D. 1824
(C "A" H-547)

An Act to Improve the Processing of Matters Delegated by the Board of Environmental Protection to the Department of Environmental Protection

H.P. 1407 L.D. 1987
(C "A" H-553)

An Act Concerning the Regulation of Itinerant Vendors

S.P. 840 L.D. 2129

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

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

An Act to Provide for a Clean-up Program Concerning Natural Die-off of Fish in the Coastal Waters of the State

H.P. 1383 L.D. 1952

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Strip Crime of its Profit"
S.P. 847 L.D. 2139

Tabled - March 10, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 10, 1986, READ A SECOND TIME.)

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

Senator CLARK: Thank you Mr. President. L.D. 2139 is the unanimous Committee Report. Mr. President and Members of the Senate, from the Joint Standing Committee on Judiciary, is the product of a lot of work and it originated from a bill which I had the pleasure of sponsoring, in the first regular session of this 112th Maine Legislature. The title of the original bill, L.D. 1505, was a bill to provide a fund for victims assistance. I am fully supportive of L.D. 2139, but I think it is important to lay some ground work for what was the original focus of the original bill, "An Act to Aid the Victims of Crime".

As I mentioned, the purpose of the original Bill, was to fund programs to help those who are among the most helpless of our State, the victims of crime, and we all know some victims. Because money is in short supply in too many levels of State Government and in too many areas of our State, it is understood although there was need to fund these programs, and I feel confident that the Committee on Judiciary did embrace the concept, that we couldn't go back to the taxpayers to reach into their pockets even further, to provide assistance to the victims of crime.

However, the plan was to make those who commit crimes fund the victims assistance program, by forfeiting the ill gotten gains from narcotics trafficking, thief, and arson. However, this was viewed as a dedicated revenue plan and there are many among this Body, particularly who have harbor reservations about that aspect of funding.

Emergency

An Act to Provide Parity to State-chartered Institutions by Allowing them to Offer Self-directed Individual Retirement Accounts

H.P. 1181 L.D. 1678
(C "A" H-550)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

Off Record Remarks

Emergency

An Act to Reapportion the Wells-Ogunquit Community School District

H.P. 1503 L.D. 2118

So the concept of direct funding, through the forfeiture and liquidation of the profits of crime, was rejected, as I understand, by the Judiciary Committee. While the concept of expanding the forfeiture provisions of the law was embraced. That was an extension of the law that was addressed by the Committee and is indeed most appropriate and is embraced in L.D. 2139.

It does seem clear to me, that while dedicated revenue funding is not appropriate, that a strong statement has to be made so it is clear to all of us in this Chamber, as time goes on, that this Legislature intends sometime, to use the proceeds of forfeitures to assist victims of crime. We fund the perpetrators of the crimes to the extent that they are provided with supportive legal assistance, supportive counseling, advise, places to park, places to stay overnight, sometimes incarceration, but those same kinds of supportive services are not provided to victims of crime. When in fact, as a result of the crimes that have been perpetrated, upon them and their families, they need and gravely need the same kinds of supportive services.

The money is not tax revenue and costs to taxpayers would be nothing and would cost nothing to collect this money, rather the profits of crime is, in fact, a windfall to the State and should be used, I hope, in the future, not only to aid the State agencies and the law enforcement levels within all of those agencies, but these very special projects, not the least of them is to provide assistance for the victims of crime. Next year, in the 113th Maine Legislature, or than again, maybe in the years that follow. We as Legislators and citizens of this State, as well as the law enforcement officials, must look to funding the many projects which will come before us, as they always do. I hope this morning that we do remember those who are the most silent, the children, men and women, who have been victims and who wear with not much support, and not with much honor that label of victims of crime. For this Legislature needs in some small measure in the future, to talk and address their needs. Thank you Mr. President.

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Amend the Medical Examiner Act and Related Provisions"

H.P. 859 L.D. 1218
(S "A" S-383 to C
"A" H-530)

Tabled - March 10, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 10, 1986, PASSED TO BE ENACTED.)

(In Senate, March 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AS AMENDED BY SENATE AMENDMENT "A" (S-383), thereto.)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ENACTMENT.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Amend the Maine Agricultural Marketing and Bargaining Act of 1973" (Emergency)
H.P. 1273 L.D. 1790
(S "A" S-390; C "A" H-551)

Tabled - March 10, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 10, 1986, PASSED TO BE ENACTED.)

(In Senate, March 5, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551) AND SENATE AMENDMENT "A" (S-390).)

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

Senator CHALMERS: Mr. President, it has come to my attention that this Bill was passed unanimously out of Committee and a high powered lobbying group was hired after it had passed the House and Senate, just to kill it. I wish that somebody would Table this until I can find out more information about this Bill.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ENACTMENT.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs"

H.P. 951 L.D. 1370
(S "A" S-384; S "E"
S-400 to C "A"
H-532)

Tabled - March 10, 1986, by Senator BUSTIN of Kennebec.

Pending - Motion of Senator VIOLETTE of Aroostook to RECONSIDER ADOPTION of Senate Amendment "A" (S-384) to Committee Amendment "A" (H-532)

(In Senate, March 10 1986, Senate Amendment "A" (S-384) to Committee Amendment "A" (H-532) READ and ADOPTED. Senate Amendment "E" (S-400) to Committee Amendment "A" (H-532) READ and ADOPTED.)

(In House, March 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532).)

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

Senator BUSTIN: So that you can all be relieved right off, I am not going to hold this up, but I want to explain to you why I asked for the Tabling action last night and to thank all those Members who supported me in that, for the courtesy that you extended to me. That was a very great courtesy and I appreciate it. I had some questions at that time about the constitutionality of putting an amendment on an amendment that was what I considered not germane, because it looked to me like it was the Minority Report. There are some questions and I can quote you some of the rules that I have gone through under masons Legislative manual, but it looks to me, and I am not going to question it in any case, like there is a conflict in the amendment. It would have been better to get rid of the Twitchell amendment before you did the other amendment, but in any case you are doing it in that way.

I will debate this when it comes back from the House, as I am sure it will. You should know, however, that the position of the people that deal with the alcoholism programs feel strongly about this and would not accept an undedicated account. They would rather keep their dedicated account than to have more money. In other words, we are not going to be sold for 1.8 million dollars. Thank you very much.

On motion by Senator VIOLETTE of Aroostook the Senate RECONSIDERED ADOPTION of Senate Amendment "A" (S-384) to Committee Amendment "A" (H-532).

On further motion by same Senator, Senate Amendment "A" (S-384) to Committee Amendment "A" (H-532) INDEFINITELY POSTPONED.

Committee Amendment "A" (H-532) as Amended by Senate Amendment "E" (S-400) thereto ADOPTED in NON-CONCURRENCE.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and specially assigned matter:

Joint Order recognizing David Himmelstein
HLS 808

Tabled - March 10, 1986, by Senator CLARK of Cumberland.

Pending - Motion of Senator CHALMERS of Knox to RECONSIDER PASSAGE

(In Senate, March 10, 1986, READ and PASSED, in concurrence.)

(In House, March 6, 1986, READ and PASSED.)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator CHALMERS of Knox, to RECONSIDER PASSAGE.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator BLACK of Cumberland RECESSED until 4 o'clock.

After Recess

Senate called to order by the President.

COMMUNICATIONS

The Following Communication: H.P. 1535

MAINE INDIAN
TRIBAL-STATE COMMISSION

March 10, 1986

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives

The Honorable Charles P. Pray
President of the Senate
Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA §6205 (5) and Joint Rule 36-A of the Maine Legislature, the Maine Indian Tribal-State Commission met on March 10, 1986 for the purpose of making a recommendation on LD 1844. With a quorum present a motion was made and approved by the required number of votes stating that the Maine Indian Tribal-State Commission recommends passage of LD 1844 enabling the Penobscot Nation to acquire up to 300 acres of Indian Territory within the City of Old Town for the purpose of industrial development.

Please consider this letter as formal notice of the Commission's action.

Sincerely,
S/John G. Melrose
Executive Director

Comes from the House READ and referred to the Committee on JUDICIARY, pursuant to Joint Rule 36-A.

Which was READ and referred to the Committee on JUDICIARY, pursuant to Joint Rule 36-A, in concurrence.

The Following Communication: S.P. 859

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 11, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Gary W. Moore of Sebago for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to Title 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down for concurrence.

COMMITTEE REPORTS

House
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 Amend the Classification of Certain Maine Rivers"
H.P. 1346 L.D. 1893

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 Adoption of a 'Buy America' Policy by the State of Maine"
H.P. 1287 L.D. 1804

Ought to Pass As Amended

House

The Committee on TAXATION on Bill "An Act to Increase the Maine Child Care Credit Under the State Income Tax"

H.P. 1310 L.D. 1826

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-562).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-562) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Establish a Land and Air Search and Rescue Procedure for Missing Aircraft Personnel"

H.P. 1362 L.D. 1906

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-563).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-563) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System"

H.P. 1429 L.D. 2020

Bill "An Act to Grandfather Current Employees Regarding the Purchase of Military Service Time"

H.P. 1528 L.D. 2157

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

Sent down for concurrence.

House As Amended

Bill "An Act to Decrease Mobile Home Park License Fees" (Emergency)

H.P. 1354 L.D. 1898
(C "A" H-559)

Bill "An Act to Make Clarifications in the Laws of Maine Relating to the Workers' Compensation Act" (Emergency)

H.P. 1441 L.D. 2033
(C "A" H-560)

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

Bill "An Act to Strengthen State-local Cooperation through Regional Councils"

H.P. 837 L.D. 1181
(C "A" H-558)

Which was READ A SECOND TIME.

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

Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs"

H.P. 951 L.D. 1370
(S "E" S-400 to C "A" H-532)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

Senate

Bill "An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen"

S.P. 857 L.D. 2160

Bill "An Act to Revise the Statutes Pertaining to Use and Sale of Live Fish as Bait"

S.P. 858 L.D. 2169

Which were READ A SECOND TIME.

Senate At Ease

Senate called to order by the President.

Which were PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation"

S.P. 721 L.D. 1844
(C "A" S-402)

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

SENATE PAPERS

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency)
S.P. 860

Presented by Senator BROWN of Washington
Cosponsored by: Representative GWADOSKY of Fairfield, Representative BROWN of Gorham, Senator ANDREWS of Cumberland

Committee on EDUCATION suggested.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending REFERENCE.

Bill "An Act to Continue Use of Computer Match Programs to Determine Eligibility of Public Assistance Recipients" (Emergency)
S.P. 861

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative MANNING of Portland
Submitted by the Department of Human Services pursuant to Joint Rule 24

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Authorize the Treasurer of State to Temporarily Invest Excess Money Including Unspent Bond Proceeds in Tax-exempt Obligations" (Emergency)
S.P. 862

Presented by Senator VIOLETTE of Aroostook
Cosponsored by: Representative GWADOSKY of Fairfield, Representative COTE of Auburn
Submitted by the Treasury Department pursuant to Joint Rule 24

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Exempt from Taxation Sales to Persons of Tangible Personal Property to be Used for the Exclusive Purpose of Providing Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders" (Emergency) S.P. 663

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator DOW of Kennebec,
Representative DELLERT of Gardiner
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on TAXATION
and ORDERED PRINTED.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator WEBSTER for the Committee on
UTILITIES on Bill "An Act to Allow the Freeport
Sewer District to Acquire the Freeport Branch of the
Maine Water Company" (Emergency) S.P. 763 L.D. 1927

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-404).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-404) READ and
ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR
SECOND READING.

ORDERS OF THE DAY

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

Bill "An Act Concerning State Contribution to
Pollution Abatement"

H.P. 1469 L.D. 2071
(S "A" S-389; H "A"
H-540)

Tabled - March 11, 1986, by Senator VIOLETTE of
Aroostook.

Pending - FURTHER CONSIDERATION

(In House, March 3, 1986, PASSED TO BE ENGROSSED
AS AMENDED BY HOUSE AMENDMENT "A" (H-540).)

(In Senate, March 5, 1986, PASSED TO BE
ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-389)
AND HOUSE AMENDMENT "A" (H-540) in
NON-CONCURRENCE.)

(In the House, March 10, 1986, PASSED TO BE
ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540)
AS AMENDED BY HOUSE AMENDMENT "A" (H-564) thereto
AND SENATE AMENDMENT "A" (S-389) in
NON-CONCURRENCE.)

On motion by Senator VIOLETTE of Aroostook,
Tabled 1 Legislative Day, pending FURTHER
CONSIDERATION.

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

An Act to Amend the Medical Examiner Act and
Related Provisions H.P. 859 L.D. 1218
(S "A" S-383 to C "A"
H-530)

Tabled - March 11, 1986, by Senator VIOLETTE of
Aroostook.

Pending - ENACTMENT

(In House, March 10, 1986, PASSED TO BE
ENACTED.)

(In Senate, March 3, 1986, PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-530) AS AMENDED BY SENATE AMENDMENT "A" (S-383)
thereto.)

On motion by Senator VIOLETTE of Aroostook,
Tabled until Later in Today's session, pending
ENACTMENT.

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

Emergency

An Act to Amend the Maine Agricultural Marketing and Bargaining Act of 1973

H.P. 1273 L.D. 1790
(S "A" S-390; C "A"
H-551)

Tabled - March 10, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 10, 1986, PASSED TO BE ENACTED.)

(In Senate, March 5, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551) AND SENATE AMENDMENT "A" (S-390).)

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

Senator TRAFTON: Thank you Mr. President. In reference to this Bill which we are currently removing from the Table, I have some concerns. I have reviewed the Maine Agricultural Marketing and Bargaining Act of 1973, particularly section 1957, which provides in association with benefits of that particular act. In section 1957, it provides that in order for an association to become a qualified association, and therefore have the benefits of this bargaining act, it must show several things to show that, in fact, it is a true association. There are in section 1957, sub-section 3, A-E, those specific requirements that must be met in order for an association to qualify under this act.

Sub-section 6, of 1957, provides that that qualified association must submit an annual report. That annual report must contain the information into enable the Board to determine whether or not the association continues to meet the standards for qualification. This particular Bill changes that annual report section and it simply suspends that requirement to continually show that it meets the requirements of this act, therefore, the association can continue to qualify for the benefits of this Bargaining Act when it does not have the burden to prove that it is a qualified association under the Act. I am concerned about this and, therefore, I rise to express my concerns.

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

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate. This Bill was heard before the Agriculture Committee when I, as Chairman, was preparing myself for the hearing and first started examining the Bill, I had my concerns about it. Those concerns were erased once I heard the different people that were there to testify. I think the 13 to 0 vote of the Committee, also, expresses their concerns.

There is a need for this legislation, there is an emergency on it and I am told if this isn't exacted by the 15th, there is really no need for the Bill, because of the negotiations and contract and etc. Some of the legal qualifications, I have help on, because I am not a lawyer, and I taint to debate a person that is and that portion will be carried by one of my colleagues.

I think if you notice, the other Chamber has passed this Bill to be enacted. I checked on the vote and it was 110 to 0. Nobody voted against Enactment. I have passed out a letter from the Farm Bureau President, Peter W. Currey, I would ask you during the debate to briefly look at that letter from the Farm Bureau. I don't often stand and ask for your favorable consideration on a measure, I do this time. It is badly needed. Thank you.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator CARPENTER of Aroostook moved that the Senate RECONSIDER ENACTMENT.

A Viva Voce Vote being had, the motion of Senator CARPENTER of Aroostook to RECONSIDER ENACTMENT, FAILS.

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

Joint Order recognizing David Himmelstein
HLS 808

Tabled - March 11, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator CHALMERS of Knox to RECONSIDER PASSAGE

(In Senate, March 10, 1986, READ and PASSED, in concurrence.)

(In House, March 6, 1986, READ and PASSED.)

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I was considering sending this Bill to a Committee of Compromise, but after talking to Conference Committee, after talking to the principle involved that doesn't seem to be agreeable, so I now move the Indefinite Postponement of this Sentiment.

On motion by Senator CHALMERS of Knox, the Senate RECONSIDERED its action whereby the Joint Order was PASSED.

On motion by Senator VIOLETTE of Aroostook, INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Tabled and Later Today assigned matter:

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation"

S.P. 721 L.D. 1844
(C "A" S-402)

Tabled - March 11, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate March 11, 1986, READ A SECOND TIME.)

On further motion by same Senator, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Tabled and Later Today assigned matter:

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency)
S.P. 860

Tabled - March 11, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on EDUCATION suggested.)

Which was referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator VIOLETTE of Aroostook RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

THE PRESIDENT: The Chair would like to take this opportunity to thank Senator Black and his wife for the fine carrot cake we had this morning in the office. Those of you who missed it, missed a wonderful meal. On behalf of the Senate we appreciate that type of attention and any time she wants to give that attention to us again, we will happily respond.

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

An Act to Amend the Medical Examiner Act and Related Provisions

H.P. 859 L.D. 1218
(S "A" S-383 to
C "A" H-530)

Tabled - March 11, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 10, 1986, PASSED TO BE ENACTED.)

(In Senate, March 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AS AMENDED BY SENATE AMENDMENT "A" (S-383), thereto.)

On motion by Senator TRAFTON of Androscoggin, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby Committee Amendment "A" (H-530) as Amended by Senate Amendment "A" (S-383) thereto, was ADOPTED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby Senate Amendment "A" (S-383) to Committee Amendment "A" (H-530) was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-383) to Committee Amendment "A" (H-530), INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-405) to Committee Amendment "A" (H-530), READ and ADOPTED.

Committee Amendment "A" (H-530) as Amended by Senate Amendment "B" (S-405) thereto ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

Senator CHALMERS of Knox was granted unanimous consent to address the Senate Off the Record.

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

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

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

On motion by Senator CLARK of Cumberland ADJOURNED until Wednesday, March 12, 1986, at 9 o'clock in the morning.