

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

In Senate Chamber
Thursday
March 20, 1986

Tabled - March 19, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 18, 1986, Reports READ.)

(In House, March 17 1986, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).)

Senate called to Order by the President.

Senator USHER of Cumberland moved the Senate ACCEPT the Majority Ought to Pass as Amended by Committee Amendment "A" (H-572) Report, in concurrence.

Prayer by Reverend Robert Hargreaves of St. Mark's Episcopal Church in Augusta.

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

REVEREND HARGREAVES: O God, from all power and authority spring, we lift up to You all those to whom You have committed the authority of governing this State, and especially the Members of this Senate.

Senator KANY: I request a Division, and would like to speak to the motion. I would just like to mention that this is an old gem, basically, that has come before the Committee from time to time and the good Senator from Aroostook, certainly will remember when bills like this came before the Energy and Natural Resources Committee, because he served on that Committee for many years. The Committee generally rejected such bills that came from a developer was able to find a sponsor to make it a little easier to develop without having to have any review, sometimes at any level. There are two versions here, I urge you to reject the Majority Ought To Pass by Committee Amendment "A", and then we can go to Committee Amendment "B". It is interesting to see the change in attitude of the municipalities, I think they did not feel strongly about this years ago, and now the municipalities are finding that they really care deeply about the ground water and the value of property. They understand what harm can come to their citizens when the ground water does become polluted. Therefore, they would like a review of these large developments at some level. The basic difference between the two versions is that the Majority Ought To Pass Report would exempt from the site law, a look at large developments. By the way, the original Bill, the Maine Municipal Association's Committee that reviews legislation, unanimously rejected and they strongly supports not the Majority Report, but the Minority Report and Committee Amendment "B", which I support. So I hope that you will reject the motion before us and turn to the other.

Give them courage to stand for what they believe in their deepest consciences, and the charity to listen carefully and sympathetically to one another and to their constituents; that their actions may be for the benefit of all people of Maine, and in accord with Your purposes for the world and its people. All this we ask with thankfulness in Your name and for Your sake. Amen.

Reading of the Journal of Yesterday.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and especially assigned to a Time Certain matter:

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws
H.P. 872 L.D. 1229

Majority Report - Ought to Pass as Amended by Committee Amendment "A" (H-572)

Minority Report - Ought to Pass as Amended by Committee Amendment "B" (H-573)

Off Record Remarks

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

Senator TUTTLE: Mr. President, Men and Women of the Senate. Senator Diamond and myself have passed out a memorandum to the Members of the Senate a couple of days ago, and I would like to refresh your memory. It is from the Department of Environmental Protection pertaining to this Bill. The following reasons why the Department, and I include myself, prefer passage of Committee Amendment "B", which is the Minority Report, is as follows: The alternative, Committee Amendment "A" would allow developers to create two nineteen acre sub-divisions and off to sides of the roads, dividing of property without review under the site location law. Also, the Legislature, in our opinion, intended for sub-divisions to be review at the State level. The alternative method is appeared to run contrary to this intent, by allowing black scale development to occur without environmental review. Also, pollution from black sub-divisions such as adverse impact on ground water common in many of our districts does not respect artificial boundaries such as roads. The Maine Municipalities Association Legislative Policy Commission, composed of local officials which at one time I served upon, voted to support the Department's position on this issue, as Senator Kany has said. There has not been strong advocacy from citizens or developers before the Natural Resources Committee advocating Committee Amendment "A". As Chairman of Local and County Government I would prefer this to go to the Committee on Local and County Government, unfortunately it did not. I hope that we would defeat this motion and support the Minority Report.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. As Senator Kany, from Kennebec, stated, this Bill has been before the Committee on Energy and Natural Resources several times. All the times it has been before the Committee I have voted against it, so in order to be consistent, I intend to vote against the Majority Report today and vote for the Minority Report and I hope that many more of you would do the same. I think it is a bad Bill and would eliminate controls that we really need. Thank you.

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

Senator USHER: Thank you Mr. President, Mr. President and Members of the Senate. This was a hold over Bill from last session, a sub-committee was formed and they put in many long hours developing this legislation before us. The corporation was from all sides. Maine Municipal attended these meetings, they were aware of all the changes that were made and the Municipal law has been in effect since 1957 and has been working fine. Some people think that you still don't have to go before the Municipal officers for site selections. Everything is being concerned in this, waste disposal, air and water pollution, the slope of the land. It is all in this law and they came to a conclusion that this was the best Committee Report and we moved out the Majority Report.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you Mr. President, I am confused a bit about the issue at this time. I thought I heard earlier in the debate that the Maine Municipal Association had gone on record as being in opposition to the Majority Report. If this was essentially, going to weaken considerably the sub-division laws that are presently on the books and have worked well for years, if we were to tear down some of the bit confused of what the good Senator from Cumberland has just stated concerning the Municipalities.

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

Senator KANY: Mr. President and Members of the Senate. The good Senator from Washington, Senator Brown, is not confused. You heard correctly. The Maine Municipal Association does not support the Majority Report with Committee Amendment "A". Instead, they support the Minority Report with Committee Amendment "B". The one that Senator Tuttle, the Senator from York, and the good Senator from Aroostook, Senator McBreairty, also support. So I urge you to reject the motion before you, which is the Majority Report and thereby we could accept the Minority Report which is supported by the Maine Municipal Association.

Which Reports were READ.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (572) Report, in concurrence.

A Division has been requested.

Will all those Senators in favor of the motion to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-572) Report, please rise in their places and remain standing until counted.

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

17 Senator having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator USHER of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572) Report, PREVAILS, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-572) READ and ADOPTED, in concurrence.

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

Out of order and under suspension of the Rules, on motion by Senator VIOLETTE of Aroostook, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 10:45 in the morning, for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Aroostook, Senator VIOLETTE, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator VIOLETTE reported he had delivered the message with which he was charged.

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

Off Record Remarks

At this point a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives concurs with proposition for a Joint Convention of both Branches, to be held in the Hall of the House, at 10:45 in the morning, for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Appropriate Penalties for Violations of Milk Commission Statutes and to Provide for Administrative Enforcement"
H.P. 1585 L.D. 2232

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 Relating to the Transfer of Authority from the District Courts to the Secretary of State to Adjudicate the Commission of Traffic Infractions"
H.P. 1586 L.D. 2235

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 to Authorize Police Officers to Prosecute Minor Violations in the Enforcement of Municipal Ordinances"
H.P. 1587 L.D. 2236

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.

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 Amend the Charter of the Kennebunk, Kennebunkport and Wells Water District" (Emergency)

H.P. 1237 L.D. 1746

Bill "An Act to Promote Fairness for Home Buyers"
H.P. 1391 L.D. 1962

Bill "An Act Concerning the Construction and Effect of the Repeal of Acts and Ordinances"
H.P. 1408 L.D. 1988

Ought to Pass in New Draft

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Amend Maine's Abandoned Property Law"
H.P. 1192 L.D. 1689

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

H.P. 1577 L.D. 2224

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.

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Insure Fair Practices in the Sale of Health Insurance Policies to Elderly Consumers"
H.P. 1245 L.D. 1755

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

H.P. 1582 L.D. 2226

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.

THE PRESIDENT: The Chair interrupts proceedings at this time.

As the Membership is aware, today is Agriculture Day. The Chair would like to introduce the following individuals and their escorts:

The Blueberry Queen, Lauren Guistra from Waldoboro, escorted by Senator Sewall.

The Egg Festival Queen, Allison Green from Madison, escorted by Senator Webster.

The Farm Bureau Queen, Cynthia Kinney from Unity, escorted by Senator Shute.

The Downeast Horse Congress Queen, Tanya Powers from North Vassalboro, escorted by Senator Bustin.

The Honey Queen, Anne Brown from Cumberland, escorted by Senator Black.

The Potato Queen, Cindy Voisine from Fort Kent, escorted by Senator Violette.

The Grange Queen, Kristen Kelley from Albion, escorted by Senator Matthews.

The Future Farmers of America President, Brent Buck from Mapleton, escorted by Senator McBreairty.

The Sergeant-At-Arms will escort Mr. Buck to the Rostrum, so that he may address the Senate.

BRENT BUCK: Thank you, as he said I am Brent Buck, the Vice-President of the Maine Association of Future Farmers of America and I reside in Mapleton. That is where I farm with my father and older brother. We raise potatoes on a farm of about two hundred acres. This year has been one of the toughest years facing the Maine Farmer, with the especially high crop with very good texture and nice volume, and the low prices here and all through the west and eastern coasts. Possibly, next year will be better, I plan to farm again along with my father. I think that there will be a drastic cut in farmers with the low prices and the government support that is pulling out. I think that is probably the best thing that will happen with the government support pulling out, because they have been creating a surplus with all their cheap money. If it makes it a little tougher, maybe next year or the year after, we will start to get a price once again and pull ourselves out of this predicament that we have gotten ourselves into. Thank you.

THE PRESIDENT: On behalf of all the Members of the Senate, I would like to extend the appreciation of the Members for the fine gifts that we have been receiving all morning. Also to let each of you know for your particular interest in industries that you are representing here today, is that the Maine Legislature, particularly the Maine Senate, understands the problems that many of the industries have been faced with in recent years. We think that the Agriculture industry is a major part of the Maine's economy and we think that the representation that you bring here today, speaks highly of your industry and the importance that it has to the State of Maine. Thank you very much. (Applause, the Members rising.)

Off Record Remarks

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Clarify Certain Provisions of a Publicly-held Financial Institution"
H.P. 1365 L.D. 1929

Reported that the same Ought to Pass in New Draft under same title.
H.P. 1581 L.D. 2225

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.

The Committee on STATE GOVERNMENT on Bill "An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund" (Emergency)
H.P. 1416 L.D. 2000

Reported that the same Ought to Pass in New Draft under same title (Emergency).
H.P. 1566 L.D. 2211

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-585).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-585) READ and ADOPTED, in concurrence.

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

Senate

Ought to Pass in New Draft under New Title

Senator MAYBURY for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Recodify the Maine State Retirement System Laws"
S.P. 443 L.D. 1246

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Recodify the Laws of the Maine State Retirement System"
S.P. 886 L.D. 2231

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 Place in the Unclassified Service 3 Utility Accountant III Positions at the Public Utilities Commission"
H.P. 1437 L.D. 2028

Bill "An Act to Require Employers to Notify Employees of the Termination of Group Insurance"
H.P. 1564 L.D. 2209

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

House As Amended

An Act to Eliminate Exemptions from Jury Service
H.P. 1531 L.D. 2158
(H "A" H-581)

Bill "An Act to Establish the Lubec Port Authority" (Emergency)

H.P. 1312 L.D. 1828
(C "A" H-582)

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

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

ORDERS OF THE DAY

Senate

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

Resolve, Authorizing the Commissioner of Marine Resources to Lease Lands and Buildings in West Boothbay Harbor

S.P. 821 L.D. 2076

Bill "An Act Regarding the Generation of Electric Power and High-level Radioactive Waste"
S.P. 890

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

Tabled - March 19, 1986, by Senator VIOLETTE of Aroostook.

Sent down for concurrence.

Pending - REFERENCE

(Committee on UTILITIES suggested.)

Senate As Amended

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

Bill "An Act to Make Changes in the Laws Governing Public Utilities"

S.P. 669 L.D. 1723
(C "A" S-424)

Bill "An Act Concerning Mental Examination of Incarcerated Persons Accused of Crime"

S.P. 701 L.D. 1786
(C "A" S-425)

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

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

An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen
S.P. 857 L.D. 2160

Sent down for concurrence.

Tabled - March 19, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

ENACTORS

(In House, March 17, 1986, PASSED TO BE ENACTED.)

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

(In Senate, March 11, 1986, PASSED TO BE ENGROSSED.)

An Act to Protect the Confidentiality of Certain Utility Employee Records

S.P. 784 L.D. 1969

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

On motion by Senator BROWN of Washington RECESSED until 10:45 in the morning.

After Recess

Senate called to order by the President.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1580

JOINT RESOLUTION RECOGNIZING MAINE AGRICULTURE AND ALL THOSE DEDICATED TO THAT TIME-HONORED PURSUIT

WHEREAS, the first and most precious of all the arts is agriculture; and

WHEREAS, it is the farmer who harnesses uncontrollable nature and makes it work for the growth of food and fiber, the good of the community and the larger progress of the world; and

WHEREAS, farmers and the agricultural way of life keep alive the humanistic values, work ethics and spiritual example upon which this State and nation were built and forged into greatness; and

WHEREAS, one can only admire those in Maine who answer the call to agriculture and in their labor learn acceptance of nature's unpredictable moods, seasons and immutable laws; and

WHEREAS, agriculture as a whole keeps the wheels of the economy turning. It is the steady hard work and backbone of the Maine farmer who, through good times and bad, shoulders the wheel; and

WHEREAS, today, there is reason for much hope, as this is the first generation to possess the capability, through the agricultural development, to banish hunger and, to the extent that this fact is perceived and acted upon, will carry the thanks of future generations; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred and Twelfth Legislature of the State of Maine now assembled in Second Regular Session, take this opportunity to recognize those of this State who have dedicated themselves to the pursuits of agriculture and to express to them a message of tribute and support for their timeless efforts to produce food and fiber, a vocation which not only occupies an honored place in our culture, but contributes immeasurably to the betterment of mankind; and be it further

RESOLVED: That suitable copies of this resolution be transmitted forthwith to the farm families of this State through their appropriate representatives in honor of this special occasion.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Off Record Remarks

At this point the Senate retired to the Hall of the House, where the Joint Convention was formed.

After Convention

In Senate Chamber.

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Confidentiality Provisions of the Maine Banking Code" H.P. 1532 L.D. 2159

In Senate, March 12, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-590) in NON-CONCURRENCE.

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

Off Record Remarks

Pursuant to the Statutes

Committee on AUDIT AND PROGRAM REVIEW

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes Annotated, Title 3, chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve Child Welfare Services in Maine" H.P. 1588 L.D. 2233

Be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, in concurrence.

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 Amend the Charter of the York Water District" (Emergency) H.P. 1214 L.D. 1721

Bill "An Act Concerning a Mussel Dragging Season" H.P. 1360 L.D. 1904

Bill "An Act to Repeal the Sardine Inspection Tax" H.P. 1453 L.D. 2050

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Pertaining to Snowmobile Registration" H.P. 1477 L.D. 2079

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 As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act Regarding Family Housing" H.P. 1500 L.D. 2113

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-589).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-589).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-589) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE GOVERNMENT on Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in a Certain Parcel of Real Property in the Town of Jackman

H.P. 1452 L.D. 2049

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-588).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-588) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Control Acid Rain"

H.P. 1443 L.D. 2034

Reported that the same Ought Not to Pass.

Signed:

Senators: USHER of Cumberland
EMERSON of Penobscot

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

The Minority of the same Committee on the same subject reported that the same Ought To Pass in New Draft under same title.

H.P. 1589 L.D. 2234

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Freeport
COLES of Harpswell

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

Which Reports were READ.

Senator USHER of Cumberland moved the Senate ACCEPT the Majority OUGHT NOT TO PASS, Report, in concurrence.

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

Senator KANY: I request a Roll Call and would like to speak to my motion. I urge the Senate to reject the motion before you and to go with Ought To Pass in New Draft on the Acid Rain Bill. Of course, this is Governor Brennan's Bill and he has sent us all a letter urging us to support such legislation. I do believe that you all received the new inventory of acid rain sources that was recently published here in the State of Maine. I urge you, particularly, to reject the motion before us, because of the effort of Senator Mitchell and Senator Stafford of Vermont in attempting to deal with acid rain at the Federal level. A number of States have passed acid rain legislation and certainly, here in the State of Maine, we should do likewise. The Bill before you is really a reasonable one, it just applies State-wide to averages and it is interesting to see how many of our industries are attempting to deal with this themselves. For instance, I understand that Boise Cascade is turning from low grade sulfur oil to a very large bio-mass burner, which will sufficiently reduce not only their admissions, but the entire States average. I urge you to go along with this reasonable moderate legislation and help out New England and in the U.S. Senate and in the U.S. House. Thank you.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

Obviously, more than one-fifth having arisen, a Roll Call is in order.

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

Senator MATTHEWS: Mr. President and Members of the Senate. I would like to pose a question through the Chair. My question is to those assigned on the Majority Report, we had a bill that dealt with acid rain last session. What is the difference between this Bill and that bill and why should we support the Majority Report?

THE PRESIDENT: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President, Mr. President and Members of the Senate. In response to the good Senator from Kennebec, Senator Matthews, this is an identical title that we had last year. We passed the Bill from last year. The report is in progress and they are due to report back to the Legislature next January.

Last year's bill, the study has taken samples from Maine lakes identification of the areas throughout the State which have sensitively to the acid rain effects and the impact of acid rain in the growth of productivity of our forests. This is being conducted now, also, IP has initiated a new program, two weeks ago, in the Howland area of northern Maine. The study is going to last for five years and they will monitor different areas in the two hundred acre parcel. Industry is working on the situation, the Committee would like to see the report come back and next January before they take any further action.

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

Senator KANY: Mr. President and Members of the Senate. I would just like to point out the Majority Report, which is the motion before you, is Ought Not to Pass. The majority of the Members of that Committee want no legislation. They want absolutely no legislation that would in any way limit the acid rain admissions. I urge you to vote against that motion and vote for something so that we need not embarrass our congressional delegation as they fight to get some legislation at the National level.

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

Senator DIAMOND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to anyone who might like to answer. How does this Bill coincide, integrate, or go against the five billion dollar program that has been proposed by the administration in Washington. I would expect that people may not be familiar with that, other than what we all read about. My concern is the proposal which is now before us in Congress, before the congressional people. How does this proposal here, which is the Minority Report.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President, In response to the good Senator from Cumberland, the news was new to me this morning, and I don't think anybody has had time to realize the difference between the two. By the time they start things in Washington, probably our report will be done anyway.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

A vote of Yes will be in favor of Acceptance.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BERUBE, BLACK, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, MAYBURY, MCBREAIRTY, PERKINS, SHUTE, STOVER, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BROWN, BUSTIN, CARPENTER, CLARK, DIAMOND, DOW, KANY, KERRY, MATTHEWS, NAJARIAN, PEARSON, TRAFTON, TUTTLE

ABSENT: Senators, BALDACCI, CHALMERS, DUTREMBLE, SEWALL

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator USHER of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILS, in concurrence.

(See Action Later Today)

Senate

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 Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless" (Emergency)

S.P. 702 L.D. 1787

Bill "An Act Concerning the Release of an Original Birth Certificate in Cases of Adoption"

S.P. 828 L.D. 2088

SECOND READERS

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

House

Bill "An Act to Amend Maine's Abandoned Property Law" H.P. 1577 L.D. 2224

Bill "An Act to Clarify Certain Provisions of a Publicly-held Financial Institution" H.P. 1581 L.D. 2225

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

Bill "An Act to Insure Fair Practices in the Sale of Health Insurance Policies to Elderly Consumers" H.P. 1582 L.D. 2226

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-427) READ and ADOPTED.

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

Sent down for concurrence.

House As Amended

Bill "An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund" (Emergency) H.P. 1566 L.D. 2211 (H "A" H-585)

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

Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws" H.P. 872 L.D. 1229 (C "A" H-572)

Which was READ A SECOND TIME.

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

Senator TUTTLE: Mr. President and Members of the Senate. I would be remiss as Senate Chairman of Local and County Government if I did not speak on this issue again. I have done some research on this issue and I find many things that have been misstated before this Body. The sub-committee that recommended passage of this legislation in the sub-division study was divided. There were two for and two against. Those supporting the support Amendment "A" were Representative Darryl Brown and Representative Annette Hoglund.

Those supporting the Report B, that is no longer before us, was supported by the Maine Municipal Association and myself, were Representative Jim Mitchell and Representative Muriel Holloway. This is not an all straight forward issue as has been stated. This is not a DEP issue and it is my understanding that the reasons that people are voting on this issue is because supported by DEP, which is not the case. So I would ask that someone table this 2 Legislative Days for me. Thank you.

Senator NAJARIAN of Cumberland moved to Table 2 Legislative Days, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Senate

Bill "An Act to Recodify the Laws of the Maine State Retirement System" S.P. 886 L.D. 2231

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

Sent down for concurrence.

Senator USHER of Cumberland moved the Senate RECONSIDER its action whereby it ACCEPTED the Majority OUGHT NOT TO PASS Report on:

Bill "An Act to Control Acid Rain" H.P. 1443 L.D. 2034

(In House, March 20, 1986, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

A Viva Voce Vote being had, the motion of Senator USHER of Cumberland to RECONSIDER ACCEPTANCE of the Majority OUGHT NOT TO PASS Report, FAILS.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Construction of an Activity Building at the Augusta Mental Health Institute"

S.P. 891

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative HICKEY of Augusta

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Assure Independent Advocacy for Institutionalized Developmentally Disabled Persons"

S.P. 819 L.D. 2064

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-426).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-426) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Bill "An Act to Provide for Development of a State Low-level Radioactive Waste Facility if Necessary" (Emergency)

S.P. 892

Presented by Senator KANY of Kennebec
Cosponsored by: Representative HOLLOWAY of Edgecomb, Representative MITCHELL of Freeport, Senator USHER of Cumberland
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act Enabling Towns to Establish Municipal Land Banks"

S.P. 893

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator TRAFTON of Androscoggin, Speaker MARTIN of Eagle Lake, Senator DIAMOND of Cumberland
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

(See Action Later Today)

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator CLARK the Senate RECONSIDERED its action whereby it referred to the Committee on ENERGY AND NATURAL RESOURCES:

Bill "An Act Enabling Towns to Establish Municipal Land Banks"

S.P. 893

(Committee on ENERGY AND NATURAL RESOURCES suggested.)

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Enabling Towns to Establish Municipal Land Banks" S.P. 893

Tabled - March 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on ENERGY AND NATURAL RESOURCES, suggested.)

(In Senate, March 20, 1986, RECONSIDERED reference to Committee on ENERGY AND NATURAL RESOURCES.)

Senator CLARK of Cumberland moved the Bill be REFERRED to the Committee on TAXATION.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative day, pending the motion of Senator CLARK of Cumberland to refer to the Committee on TAXATION.

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

Bill "An Act Regarding the Generation of Electric Power and High-level Radioactive Waste" S.P. 890

Tabled - March 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on UTILITIES suggested.)

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

Senate at Ease

Senate called to order by the President.

On motion by Senator BERUBE of Androscoggin, the Senate removed from the SPECIAL APPROPRIATIONS TABLE:

An Act to Extend the Judicial Certification Procedures to Institutions Housing Mentally Retarded Persons S.P. 864 L.D. 2178

Tabled - March 18, 1986, by Senator BERUBE of Androscoggin.

Pending - ENACTMENT

(In Senate, March 18, 1986, RECONSIDERED ENACTMENT.)

(In House, March 17, 1986, PASSED TO BE ENACTED.)

(In Senate, March 13, 1986, PASSED TO BE ENGROSSED.)

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

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

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Unassigned Table the following matter:

Bill "An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation" H.P. 1183 L.D. 1680 (\$ "A" S-411 to C "A" H-565)

Tabled - March 12, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, March 12, 1986, Committee Amendment "A" (H-565) as Amended by Senate Amendment "A" (S-411), thereto ADOPTED in NON-CONCURRENCE.)

(In House, March 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565).)

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Unassigned Table the following:

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

S.P. 721 L.D. 1844
(S "A" S-412 to C "A" S-402)

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Unassigned Table the following matter:

An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings

S.P. 185 L.D. 503
(S "B" S-227 to C "A" S-123)

Tabled - March 12, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

Tabled - January 13, 1986, by Senator VIOLETTE of Aroostook.

Pending - CONSIDERATION

(In Senate, March 12, 1986, Committee Amendment "A" (S-402) as Amended by Senate Amendment "A" (S-412), thereto ADOPTED.)

(RECALLED from the Governor's Desk pursuant to Joint Order S.P. 704.)

(In Senate, June 13, 1985, PASSED TO BE ENACTED, in concurrence.)

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

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

On further motion by same Senator, the Senate RECONSIDERED its action whereby this Bill was PASSED TO BE ENACTED.

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

Senator ANDREWS: This past June, the Governor expressed concern on this particular Bill. He requested additional information on this, for further consideration. Since that time, he has received the information necessary, so it is my hope we can Enact this Bill today, and send it back to the Governor for his approval.

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

Which was PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

On motion by Senator PERKINS of Hancock ADJOURNED until Friday, March 21, 1986, at 12 o'clock in the afternoon.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate Off the Record.