

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
Tuesday
April 1, 1986

Senate called to Order by the President.

Prayer by Father Raymond P. Melville of St. Mary's
Catholic Church in Augusta.

FATHER MELVILLE: Father, A handful of courageous men and women, in a moment of danger, pledged their lives, fortunes and honor to proclaim a Nation whose citizens' rights were based not on the nod of a king or ruler, but on creation at Your hands. Grant to our Administration, a ministry of service to all, not the few. To our Legislature, the upholding of public interest, not merely a welter of competing private claims. To our Judiciary, a wisdom in interpreting law, grounded in principle, not expediency.

Send Your spirit on Your people, that they may become active in the affairs of government. That they may not confuse dissent for disloyalty. That they may use their mighty power for the healing of differences among all peoples with justice and mercy and love. We ask this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF ENERGY
WASHINGTON, D.C. 20585

March 27, 1986

Ms. Joy J. O'Brien
State Senate
Augusta, Maine 04333

Dear Ms. O'Brien:

Thank you for providing Secretary Herrington with a copy of the Joint Resolution enacted by the State of Maine Legislature regarding the nuclear waste repository program. We appreciate this opportunity to respond to your concerns regarding the draft Area Recommendation Report (ARR).

The Department is in an early phase of the site screening process which began in 1979 with a national survey to identify regions containing crystalline rock that may be suitable for isolating nuclear waste. Three regions containing 235 sites in 17 States were identified, and, in consultation with the States, a screening methodology using disqualifying factors and screening variables derived from the DOE Siting Guidelines was used to narrow the search for potentially acceptable sites. The draft ARR presents the results of the region-to-area screening process and, using available literature only, identifies 12 proposed potentially acceptable sites in 7 States for further study in the area phase. Many of the factors raised in your resolution can be appropriately addressed only in the area and/or site characterization phases. Thus, DOE will conduct detailed analyses in these phases to determine the extent to which tourism or other economic activity may be affected by a repository at a particular site. Similarly, DOE will evaluate the condition of specific access routes (roads and railroads) in the vicinity of preliminary candidate areas in the area phase when field investigations begin. Any potential environmental and geologic conflicts would also be examined through field exploration and testing within and outside of the potentially acceptable sites, as necessary. If DOE found unresolvable conflicts that meant a potentially acceptable site could not meet the Department's guidelines and the regulations of the Nuclear Regulatory Commission and the Environmental Protection Agency, then DOE would remove the site from consideration.

With regard to the time period for public comment, DOE believes that 90 days is appropriate because the crystalline States had previously reviewed and commented upon both the region-to-area screening methodology and the data base used in the draft ARR. Moreover, DOE provided the States with computer access to the data base in October 1985 to facilitate the States' review of DOE screening results and that data used in identifying candidate areas for further study. In addition, DOE has held numerous public briefings to inform the public regarding the region-to-area screening process. Oral testimony presented at subsequent public hearings and written comments received during the comment period will be considered.

Finally, the 90-day comment period is consistent with the time for public review afforded the first repository program's draft Environmental Assessments. And, as in the case of the draft Environmental Assessments, we will consider late comments to the maximum extent feasible.

We appreciate your interest in this important program. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

S/William J. Purcell
Associate Director for
Geologic Repositories
Office of Civilian Radioactive
Waste Management

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator NAJARIAN for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Encourage the Rehabilitation of Members Receiving Disability Benefits under the Maine State Retirement System"
S.P. 779 L.D. 1960

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

S.P. 920 L.D. 2296

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 GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Expedite Litigation in Cases Involving Judicial Review of Certificate of Need Decisions of the Department of Human Services"
S.P. 680 L.D. 1760

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Discourage Frivolous Appeals in Cases Involving Judicial Review of Certificate of Need Decisions for Nursing Homes of the Department of Human Services" (Emergency)
S.P. 922 L.D. 2298

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.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Require a Report Concerning the Consumer Advisory Board"
S.P. 809 L.D. 2037

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Obtain Information from the Consumer Advisory Board, the Commissioner of Mental Health and Mental Retardation and the Mental Health Advisory Council"
S.P. 921 L.D. 2297

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.

Senator ANDREWS for the Committee on STATE GOVERNMENT on Resolve, Authorizing the Commissioner of Corrections to Convey by Sale the Interest of the State in Certain Land in Windham, County of Cumberland

S.P. 762 L.D. 1926

Reported that the same Ought to Pass in New Draft under New Title Resolve, Authorizing the Commissioner of Finance and Administration to Convey, by Sale, the Title and Interest of the State in Land Located in Windham, County of Cumberland

S.P. 923 L.D. 2300

Which Report was READ and ACCEPTED.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

The Resolve 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 Improve the Management of Maine's Forest Recreation Resource"
H.P. 1559 L.D. 2198

Bill "An Act to Conform State Income Tax Laws Relative to Premature Retirement Plan Distributions"
H.P. 1609 L.D. 2265

Bill "An Act Relating to Medicaid Fees for Pharmacies"
H.P. 1611 L.D. 2268

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

House As Amended

Resolve, Directing the Director of the Bureau of Public Lands to Convey the State's Interest in Certain Lands Surrounding Little Sebago Lake
H.P. 1439 L.D. 2030
(C "A" H-609)

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

Bill "An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians"
H.P. 1418 L.D. 2007
(C "A" H-607)

Which was READ A SECOND TIME.

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

Senator PEARSON: Mr. President. I would like to pose a question through the Chair. Would somebody please explain what this Bill does?

THE PRESIDENT: Senator Pearson of Penobscot has posed a question through the Chair to any Senator who may care to respond.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, as Amended.

Senate

Bill "An Act to Increase the School Bus Purchase Limit"
S.P. 817 L.D. 2062

Bill "An Act Providing for the Lease of Unused Space or Facilities Owned by the State"
S.P. 917 L.D. 2291

Bill "An Act to Provide a Periodic Cost-of-living Adjustment in the State Reimbursement to Boarding Care Facilities"
S.P. 918 L.D. 2292

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

Sent down for concurrence.

Bill "An Act to Reorganize the Maine Potato Industry"
S.P. 876 L.D. 2205

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.

Senate As Amended

Bill "An Act to Require Legislative Review and Approval of Sales and Use Tax Exemptions Every 5 Years"
S.P. 748 L.D. 1912
(C "A" S-441)

Bill "An Act to Amend the Drug Enforcement Law"
S.P. 797 L.D. 2004
(C "A" S-440)

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency)
S.P. 813 L.D. 2045
(C "A" S-443)

Bill "An Act to Clarify the Authority of Municipalities to Raise and Appropriate Money for Financial Assistance to Water and Sewer Districts" (Emergency)

S.P. 854 L.D. 2166
(C "A" S-445)

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

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Require Labeling of Coffees and Teas Decaffeinated with Methylene Chloride"
S.P. 911 L.D. 2278

Tabled - March 31, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 31, 1986, READ A SECOND TIME.)

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

(See Action Later Today)

On motion by Senator VIOLETTE of Aroostook, the Senate RECONSIDERED its action whereby it PASSED TO BE ENGROSSED:

Bill "An Act to Require Labeling of Coffees and Teas Decaffeinated with Methylene Chloride"
S.P. 911 L.D. 2278

(In Senate, April 1, 1986, PASSED TO BE ENGROSSED.)

On further motion by same Senator, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED.

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 Revise the Energy Building Standards Act"

H.P. 1385 L.D. 1954

In House, March 25, 1986, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

In Senate, March 26, 1986, Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) Report READ and ACCEPTED in NON-CONCURRENCE and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) in NON-CONCURRENCE.

Comes from the House, that Body INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE in NON-CONCURRENCE.

The Senate INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE, in concurrence.

(See Action Later Today)

Non-concurrent Matter

Bill "An Act Concerning State Contribution to Pollution Abatement"

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

In Senate, March 18, 1986, PASSED TO BE ENACTED, in concurrence.

In House, March 31, 1986, RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1620, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540) AS AMENDED BY HOUSE AMENDMENT "B" (H-614) 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.

Committee on LOCAL AND COUNTY GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.

Non-concurrent Matter

Bill "An Act Concerning Liability Insurance for Commercial Whitewater Outfitters" (Emergency)
H.P. 1600 L.D. 2254

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee and ORDERED PRINTED.

6In Senate, March 25, 1986, PASSED TO BE ENGROSSED, in concurrence.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-617) in NON-CONCURRENCE.

COMMITTEE REPORTS

House

The Senate RECEDED and CONCURRED.

Leave to Withdraw

House Papers

Bill "An Act to Reorganize the Delivery of Vocational Education in Northern Aroostook County"
H.P. 1632 L.D. 2303

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 Provide Funds for Support of the Maine Teacher in Space Program"
H.P. 1518 L.D. 2147

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

Ought To Pass

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

The Committee on HUMAN RESOURCES on Resolve, Authorizing a Continuation of the Study of the Utilization of Vacant Buildings at Pineland (Emergency)
H.P. 1539 L.D. 2170

Bill "An Act to Provide a Liquor License for Auditoriums"
H.P. 1628 L.D. 2301

Reported that the same Ought to Pass.

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

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Bill "An Act to Authorize Piscataquis County to Raise Up to \$2,400,000 for Renovation and Expansion of Jail Facilities"
H.P. 1629 L.D. 2302

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1986 (Emergency)

H.P. 1534 L.D. 2162

Reported that the same Ought to Pass, pursuant to Joint Order H. P. 1316.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-626).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

House Amendment "A" (H-626) READ and ADOPTED, in concurrence.

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

Ought To Pass As Amended

The Committee on BUSINESS AND COMMERCE on Bill "An Act Relating to Cancellation and Nonrenewal of Property and Casualty Insurance Contracts"

H.P. 1457 L.D. 2054

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-612).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-612).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-612) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Clarify the Law to Provide for Notice to the Mother When an Individual Acknowledges Paternity of a Child Born out of Wedlock"

H.P. 1430 L.D. 2021

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-611).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-611) READ and ADOPTED, in concurrence.

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

Ought To Pass in New Draft

The Committee on MARINE RESOURCES on Bill "An Act Concerning Atlantic Salmon"

H.P. 1392 L.D. 1963

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

H.P. 1621 L.D. 2284

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 TAXATION on Bill "An Act to Remove Maximum Annual Limits on the Captured Assessed Values within Tax Increment Financing Districts"

H.P. 1328 L.D. 1863

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

H.P. 1622 L.D. 2285

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.

Representatives: REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
MURPHY of Berwick
MASTERMAN of Milo
BOTT of Orono
NICKERSON of Turner

Ought to Pass in New Draft under New Title

The Committee on LABOR on Bill "An Act Relating to Medicaid and Other Services and Payments Pending Hearing and Decisions under the Workers' Compensation Act"

H.P. 1486 L.D. 2098

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Workers' Compensation Act to Require Prepayment for Medical Aids and to Make Corrections Relating to Foreign Employees"

H.P. 1618 L.D. 2274

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-625) READ and ADOPTED, in concurrence.

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

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

Signed:

Senator: STOVER of Sagadahoc

Representative: DILLENBACK of Cumberland

Comes from the House with the Majority OUGHT TO PASS IN SECOND NEW DRAFT under NEW TITLE Report READ and ACCEPTED and the Bill in SECOND NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-621).

Which Reports were READ.

The Majority OUGHT TO PASS IN SECOND NEW DRAFT under NEW TITLE Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-621) READ and ADOPTED, in concurrence.

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

ORDERS OF THE DAY

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Further Competition with New Hampshire in the Liquor Trade"

H.P. 19 L.D. 17

Reported that the same Ought to Pass in Second New Draft under New Title Bill "An Act to Provide for the Waiver of the 10-mile Radius Restriction and to Allow the State Liquor Commission to Establish One Additional Discount Liquor Store"

H.P. 1619 L.D. 2281

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

Bill "An Act to Reorganize the Maine Potato Industry"

S.P. 876 L.D. 2205

Tabled - April 1, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate April 1, 1986, READ A SECOND TIME.)

Signed:

Senators: TRAFTON of Androscoggin
NAJARIAN of Cumberland

On motion by Senator MCBREAIRTY of Aroostook, Senate Amendment "A" (S-450) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Raise the Minimum Legal Size of Lobsters"

H.P. 513 L.D. 718

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Improve Lobster Research and Management"

H.P. 1597 L.D. 2248

Signed:

Senators: CHALMERS of Knox
SHUTE of Waldo
BROWN of Washington

Representatives: MANNING of Portland
VOSE of Eastport
RICE of Stonington
MITCHELL of Freeport
CROWLEY of Stockton Springs
COLES of Harpswell
RUHLIN of Brewer
CONNERS of Franklin

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

Signed:

Representatives: SCARPINO of St. George
SALSBURY of Bar Harbor

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-606) AND "B" (H-616).

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report was ACCEPTED, in concurrence.

Senator PERKINS of Hancock moved that the Senate RECONSIDER its action whereby the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report was ACCEPTED.

Senator CHALMERS of Knox requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PERKINS of Hancock to RECONSIDER the whereby the Senate ACCEPTED the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report of the Committee.

A Division has been requested.

Will all those Senators in favor of the motion by Senator PERKINS of Hancock to Reconsider the Acceptance of the Majority Ought to Pass 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.

11 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator PERKINS of Hancock to RECONSIDER whereby the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report was ACCEPTED, FAILS.

The Bill READ ONCE.

House Amendment "A" (H-606) READ.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. Members of the Senate. I would first request a Roll Call on the Adoption of this Amendment, and I would like to tell you why.

If you read in the Statement of Fact, that the fishermen may have a decline of, perhaps, 5% in their catch, if you Adopt this Amendment, which by the way, is not the delicate compromise worked out in the Committee. I want to tell you, that I know as an absolute fact, that in the Muscongus Bay, we're talking more about 12% and 15%. That is a pay cut, you are expecting the lobstermen, and the other people in the lobster business to take.

How do I know that? Because, when this Bill was proposed in the last Session, a company of which I am affiliated, decided to take upon itself, a scientific experiment. There were people there from the Department. People from Mr. Apollonio's staff, standing by.

Fishermen from the area and other people who wished to watch the experiment, every day for a number of days, the daily catch was measured. The percent of lobsters caught, were figured. So, what I am telling you, is if you Adopt this Amendment, you're at least, speaking for the Muscongus Bay area, asking all of the fishermen to take a between a 12% and a 15% cut. While the original bill, which was worked out in the Committee, would ask them to take a small cut, closer to the 5%, and I would reluctantly go along with that proposal, I believe this is extreme, and I think that all of the work the Committee put in, coming out with a delicate compromise, goes right down the drain, when this Amendment is added. Thank you.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall, has requested a Roll Call. 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 Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Thank you, Mr. President. This Amendment differs from the main Bill, by adding a 32nd of an inch increase, the fourth year after the increase would go into effect, and a 32nd of an inch increase the fifth year, after this Bill would go into effect. This Bill would not go into effect until the New England Fisheries Management Council had amended the American Lobster Fishery Management plan, and the United States Secretary of Commerce, had promulgated rules, pursuant to that increase measure, and prohibited the possession of V-notched lobsters in all 50 States.

If the Federal Government recognized an increase in the lower measure, and if the Federal Government recognized that it would be prohibitive to land a V-notched lobster, if all of that happened, then you would have an increased minimum in all 50 States, that would prevent our neighbor from flying small lobsters over to us, and landing them in other States around the Country.

If this happened, then and only then, would the increase measure go into effect. That is if, and only then, that happened, Maine's minimum size would be increased one 32nd of an inch the first year, and one 32nd of an inch the next year. The Amendment only adds a pause for the third year, and an increase of the 32nd of an inch the fourth year, and an increase of a 32nd of an inch the following year.

The Amendment only adds those other two, which by the way, parallels Massachusetts law. The whole purpose of the compromise. I agree that it was a compromise worked out as a result of the Botsford Report.

The Botsford Report is an extensive report which studied the effect of an increase in the measure, which commented on the concern of all scientists on doing nothing. And also, includes in the Bill, the major bill, some research that is going have to be mandated between the Department of Marine Resources and the University of Maine. We ought to have some research on the effects of V-notching, which the Botsford Report encourages, and recognizes, finally for the first time, the success of Maine's V-notching program.

The Bill does a lot more. The Amendment only adds a pause after the third year, the fourth year, and the fifth year an increase of 32nd of an inch. That mirrors Massachusetts. In correspondence with Massachusetts, we have discovered that that Bill is in their Legislature, and they may adopt it. I can't guarantee what Massachusetts can do, and I can't guarantee, of course, what Canada can do. But, this Bill would encourage the Federal Government to accept our minimum standards, our minimum length, and recognize our V-notching. By recognizing our V-notching, they would prohibit people from landing lobsters with a V-notch. This Bill is a good step forward to try and protect the lobster industry. The Amendment only adds a third year pause, a fourth year pause, and a fifth year pause, in a smaller increase. I would urge you to support the Amendment. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate. As a Member of the Marine Resources Committee, I reluctantly signed the Ought to Pass Report on this Bill, because I thought it was somewhat of a compromise. After the Bill was out of Committee, then as I understand it, the Commissioner found out that the increase wasn't as large as he had thought it was, or what he had wanted. So, in the House an Amendment was put on to double the amount of increase. Doubling the amount is a .32 of an inch, or 1/16, or whatever. But, it does double the amount of the increase that the Committee agreed upon.

We heard testimony in the Committee on this Bill, that 34 or 35, around there, they had a larger increase than this, in the lobster industry. A larger measure. At that time, that was called the starvation measure for the lobster industry. I would go along with the Bill, as it came out of the Committee, but I can't go along with doubling the increase from the time the Bill came from the Committee Room, to the Senate floor.

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

Senator TRAFTON: Thank you, Mr. President. I would like to pose a question through the Chair. Why were these Amendments not added on in the Committee process? Why were they added on after the Committee made a recommendation to the Legislature.

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

The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Mr. President. I can answer that question for the good Senator from Androscoggin, Senator Trafton. The Committee was in communication with Massachusetts. Massachusetts, obviously, is the major State for the lobster industry, and we wanted to try and pull them into what we were doing. We wanted to try and push them into what we were doing.

It was only after the Bill came out of the Committee, that Representative Crowley, in communication with Massachusetts, realized that this was the pattern. A 32nd, a 32nd, a pause, a 32nd and a 32nd. The impetus for this Amendment came from Representative Crowley's communication with Massachusetts. It had absolutely nothing, that I know of, to do with the Commissioner. It seems to me that this Bill, if we are going to have an increase, and if the New England States Fisheries Management is going to go along with that, they have to trigger it. They, meaning the New England States Fisheries Management. It is made up of people from each State. Obviously, made up from people of Massachusetts, and therefore if our Bill can coincide with the Massachusetts bill, I think we have a better chance of getting recognition of Maine's V-notching, and Nationwide, recognition of the minimum. That would be a major help to the lobster industry, because then the smaller lobsters coming in from Canada can't fly over us.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you very much, Mr. President. I would like to pose a question through the Chair to the Chairman of the Marine Resource Committee. Has Massachusetts passed this law?

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

The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Mr. President. If I may answer the question that the good Senator from Lincoln has asked. The answer is "No". The Massachusetts bill is in process. The indication is, my only hearsay is, that the bill is in Massachusetts, and is well into the Legislative process. But, it has not passed yet.

THE PRESIDENT: The pending question before the Senate is the ADOPTION of House Amendment "A" (H-606).

A Roll Call has been ordered.

A Yes vote will be in favor of Adoption.

A No vote 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, ANDREWS, BALDACCI, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, ERWIN, GAUVREAU, KANY, KERRY, MATTHEWS, NAJARIAN, PEARSON, TRAFTON, TUTTLE, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BERUBE, BLACK, EMERSON, GILL, HICHENS, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, TWITCHELL, WEBSTER

ABSENT: Senators, BROWN, DUTREMBLE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, House Amendment "A" (H-606) ADOPTED in concurrence.

House Amendment "B" (H-616) READ and ADOPTED, in concurrence.

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

ORDERS OF THE DAY

HELD BILL

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

Senator VIOLETTE: Mr. President, is the Senate in possession of L. D. 2263?

THE PRESIDENT: The Chair would answer in the affirmative, having been held at the Senators request.

Senator VIOLETTE of Aroostook moved that the Senate RECONSIDERED its action whereby it PASSED TO BE ENGROSSED AS AMENDED:

Bill "An Act Concerning Self-funded Pools among Public Agencies for Tort and Property Liability" S.P. 902 L.D. 2263 (S "A" S-447)

(In Senate March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-447).)

On further motion by same Senator Tabled Unassigned pending the motion of same Senator to RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED.

THE PRESIDENT: In reference to the action of the Senate on April 1, 1985, whereby the Senator INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE on:

Bill, "An Act to Revise the Energy Building Standards Act". H. P. 1385 L. D. 1954

The Chair appointed as conferees on the part of the Senate: Senator USHER of Cumberland Senator KANY of Kennebec Senator HICHENS of York

Off Record Remarks

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 USHER of Cumberland, RECESSED until 4:30 in the afternoon.

After Recess

Senate called to order by the President.

ENACTORS

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

An Act to Improve Enforcement of the Potato Branding Law S.P. 668 L.D. 1722 (C "A" S-431)

An Act to Revise the Certificate of Need Process H.P. 1428 L.D. 2018 (C "A" H-603)

An Act to Increase the Amount of Insurance for Vehicles Used in Transporting Students S.P. 830 L.D. 2090 (S "A" S-433)

An Act to Create a Noncommercial Scallop License and to Adjust Fees for the Scallop Boat License H.P. 1537 L.D. 2173 (S "A" S-438)

An Act to Require Employers to Notify Employees of the Termination of Group Insurance H.P. 1564 L.D. 2209 (H "A" H-604)

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 to Facilitate the Collection of Child Support S.P. 887 L.D. 2246

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

An Act to Assist Consumers in Obtaining Redress for Violation of their Rights by Regulated Utilities S.P. 899 L.D. 2259

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. This is the "dead beat" Bill that we debated several days ago that I felt was poor legislation, so I would ask for a Division.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A Division has been requested.

Will all those Senators in favor of Passage to be Enacted, please rise in their places and remain standing until counted.

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

15 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, the Senate considered the following inclusively:

Emergency

An Act to Make Supplemental Allocations from the Ground Water Oil Clean-up Fund to Support Activities and Staff of the Board of Underground Oil Storage Tank Installers

S.P. 787 L.D. 1980
(C "A" S-429)

Emergency

An Act Creating the Cornish Water District
S.P. 795 L.D. 2002
(C "A" S-430)

Emergency

An Act to Adjust the Nonresident Commercial Fishing License Fee

H.P. 1542 L.D. 2179
(C "A" H-601)

Emergency

An Act to Enhance the Protection of Mental Health Recipients' Rights

S.P. 896 L.D. 2253
(S "A" S-434)

Emergency

An Act to Amend the Requirements for Personal Service in an Action for a Guardianship or Conservatorship

S.P. 897 L.D. 2257

These being Emergency Measures and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in negative, and 27 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.

Constitutional Amendment

Resolution, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate

H.P. 1599 L.D. 2252
(H "B" H-602)

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

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 Amend the Charter of the Lucerne-in-Maine Village Corporation" (Emergency)
S.P. 720 L.D. 1843
(C "A" S-436)

In Senate, March 27, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436) AS AMENDED BY HOUSE AMENDMENT "A" (H-620), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State

H.P. 1377 L.D. 1940

In House, March 27, 1986, Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-610).

In Senate, March 31, 1986, Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

Senator NAJARIAN of Cumberland moved that the Senate RECEDE and CONCUR.

Senator STOVER of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator NAJARIAN of Cumberland to RECEDE and CONCUR.

A Division has been requested.

Will all those Senators in favor of the motion to Recede and Concur, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion of Senator NAJARIAN of Cumberland to RECEDE and CONCUR, FAILS.

On motion by Senator NAJARIAN of Cumberland, the Senate INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE in NON-CONCURRENCE.

Sent down for concurrence.

(See Action Later Today)

COMMUNICATIONS

The Following Communication: H.P. 1630

MAINE INDIAN TRIBAL-STATE COMMISSION P.O. BOX 87 HALLOWELL, MAINE 04347

March 31, 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 31, 1986 for the purpose of making a recommendation on LD 1717. 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 to the Maine Legislature the adoption of LD 1717 as amended to incorporate the provisions identified in Article #40 as amended at the Town of Perry's regular Town Meeting of March 18, 1986. A certified copy of Article #40 as amended is attached.

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 with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

COMMITTEE REPORTS

House

Ought To Pass As Amended

The Committee on EDUCATION on Bill "An Act to Amend the Maine Osteopathic Student Loan Program" H.P. 1497 L.D. 2110

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-619).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-619).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-619) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Provide Technical Assistance to Schools on Truancy, Dropouts and Alternative Educational Programs and to Amend the Permanent School Fund"

H.P. 1569 L.D. 2219

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-618).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-618) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning the Protection of the Natural Resources on the Lower Penobscot River"

H.P. 1395 L.D. 1967

Reported that the same Ought Not to Pass.

Signed:

Senators: KANY of Kennebec
USHER of Cumberland

Representatives: RIDLEY of Shapleigh
COLES of Harpswell
HOGLUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-608).

Signed:

Senator: EMERSON of Penobscot
Representatives: MICHAUD of Medway
JACQUES of Waterville
MITCHELL of Freeport

Comes from the House with the Bill and Papers RECOMMITTED to the Committee on ENERGY AND NATURAL RESOURCES.

Which Reports were READ.

On motion by Senator USHER of Cumberland, the Bill and Accompanying Papers RECOMMITTED to the Committee on ENERGY AND NATURAL RESOURCES, in concurrence.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Exchange and Sale of Certain Public Reserved Lands
H.P. 1516 L.D. 2145

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-615).

Signed:

Senators: KANY of Kennebec
USHER of Cumberland
EMERSON of Penobscot

Representatives: MITCHELL of Freeport
MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
COLES of Harpswell
HOGLUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb

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

Signed:

Representative: LAW of Dover-Foxcroft

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE "A" (H-615) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-615) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on JUDICIARY on Resolve, to Establish a Special Commission to Examine Limitations on Awards Granted through Tort Litigation H.P. 1303 L.D. 1819

Reported that the same Ought to Pass in New Draft under New Title Resolve, to Establish a Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine (Emergency) H.P. 1624 L.D. 2289

Signed:

Senators: CARPENTER of Aroostook SEWALL of Lincoln CHALMERS of Knox

Representatives: KANE of South Portland CARRIER of Westbrook COOPER of Windham PRIEST of Brunswick DRINKWATER of Belfast PARADIS of Augusta MACBRIDE of Presque Isle LEBOWITZ of Bangor ALLEN of Washington

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

Signed:

Representative: STETSON of Damariscotta

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-622).

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A"(H-622) READ.

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

Senator CARPENTER: Mr. President, we may have developed a problem with this amendment and I would request that someone Table this until tomorrow morning, prior to acceptance to that amendment so we might work out the problem.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ADOPTION of House Amendment "A" (H-622).

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Amend the Law Relating to Group Health Insurance" H.P. 1460 L.D. 2057

Reported that the same Ought to Pass in New Draft under same title. H.P. 1615 L.D. 2273

Signed:

Senators: BLACK of Cumberland TUTTLE of York

Representatives: BEAULIEU of Portland TAMMARO of Baileyville HALE of Sanford RUHLIN of Brewer JOSEPH of Waterville

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

Signed:

Representatives: LANDER of Greenville BONNEY of Falmouth HEPBURN of Skowhegan BEGLEY of Waldoboro WILLEY of Hampden

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

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 Improve Boating Safety and Public Access to the State's Public Waters" S.P. 848 L.D. 2149

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 Require Adequate Social Services in Maine's Hospitals and Nursing Homes" (Emergency) S.P. 724 L.D. 1847

Ought to Pass

Senator KERRY for the Committee on STATE GOVERNMENT on Bill "An Act to Establish the New England and Eastern Canada Legislative Commission" (Emergency)

S.P. 888 L.D. 2237

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator KERRY for the Committee on BUSINESS AND COMMERCE on Bill "An Act to Adopt the Maine Fair Debt Collection Practices Act"

S.P. 834 L.D. 2116

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-451).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-451) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Resolve, Authorizing a Continuation of the Study of the Utilization of Vacant Buildings at Pineland (Emergency)

H.P. 1539 L.D. 2170

Bill "An Act Concerning Atlantic Salmon"

H.P. 1621 L.D. 2284

Bill "An Act to Remove Maximum Annual Limits on the Captured Assessed Values within Tax Increment Financing Districts" (Emergency)

H.P. 1622 L.D. 2285

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

Bill "An Act to Authorize Piscataquis County to Raise Up to \$2,400,000 for Renovation and Expansion of Jail Facilities"

H.P. 1629 L.D. 2302

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED, in concurrence.

House As Amended

Bill "An Act to Clarify the Law to Provide for Notice to the Mother When an Individual Acknowledges Paternity of a Child Born out of Wedlock"

H.P. 1430 L.D. 2021 (C "A" H-611)

Bill "An Act Relating to Cancellation and Nonrenewal of Property and Casualty Insurance Contracts"

H.P. 1457 L.D. 2054
(C "A" H-612)

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

H.P. 1534 L.D. 2162
(H "A" H-626)

Bill "An Act to Improve Lobster Research and Management"

H.P. 1597 L.D. 2248
(H "A" H-606; H "B" H-616)

Bill "An Act to Provide for the Waiver of the 10-mile Radius Restriction and to Allow the State Liquor Commission to Establish One Additional Discount Liquor Store"

H.P. 1619 L.D. 2281
(H "A" H-621)

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

Bill "An Act to Amend the Workers' Compensation Act to Require Prepayment for Medical Aids and to Make Corrections Relating to Foreign Employees"

H.P. 1618 L.D. 2274
(H "A" H-625)

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled 2 Legislative Days, pending PASSAGE TO BE ENGROSSED, AS AMENDED.

Senate

Bill "An Act to Obtain Information from the Consumer Advisory Board, the Commissioner of Mental Health and Mental Retardation and the Mental Health Advisory Council"

S.P. 921 L.D. 2297

Bill "An Act to Discourage Frivolous Appeals in Cases Involving Judicial Review of Certificate of Need Decisions for Nursing Homes of the Department of Human Services" (Emergency)

S.P. 922 L.D. 2298

Resolve, Authorizing the Commissioner of Finance and Administration to Convey, by Sale, the Title and Interest of the State in Land Located in Windham, County of Cumberland

S.P. 923 L.D. 2300

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

Sent down for concurrence.

Bill "An Act to Encourage the Rehabilitation of Members Receiving Disability Benefits under the Maine State Retirement System"

S.P. 920 L.D. 2296

Which was READ A SECOND TIME.

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

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. L.D. 2296 was one of the Bills that I sponsored this session and I want to thank the Committee on Aging Retirement and Veterans' for the work the Committee devoted to this Bill. It is a unanimous Committee Report and I want to briefly read into the Record the history of this act and why it is important that we took this action at this particular time.

"L.D. 2296 presents a limited, but a important, response to the increase in costs of disability pensions in our State. It creates a new right for disability pensioners under our State Retirement system. If a pensioner believes he or she is able to return to work, this Bill which we are about to engross will require that the former employer reinstate the pensioner to the next available vacancy which opens.

Of course, the person must have the ability to perform the job and where the job is subjected to collective bargaining agreement, that person must also have more seniority than other applicants for the position. Where the person is qualified and has seniority, that person will get the job. Disputes under this system and under this act, disputes all resolved by an economical and efficient panel of doctors representing the pensioner, the employee in the Retirement system. The Bill applies to all State and teacher members of the system. It is important to note that the State will bear the entire employers share of pension costs for teachers as well as for the State. Every disability pension, then, costs the State a substantial sum, but the costs the school systems nothing at all. Similarly every rehabilitation saves the State money, but saves the school nothing.

Thus, at least as far as school units are concerned, there is no incentive at present to reinstate a rehabilitated pensioner to his or her job. L.D. 2260 will correct this for a lack of economic incentive. Retirement costs are a matter that rightly concern all of us greatly. L.D. 2260 represents a modest effort to accord to disability pensioners an incentive to engage in rehabilitation. In doing so, it can help to moderate the costs of disability pensions in our State." Thank you.

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

ENACTORS

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

An Act to Authorize the Establishment of Veterans' Homes in Northern and Southern Maine
H.P. 1604 L.D. 2258

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

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 \$3,100,000 for Armory Expansion, Rehabilitation and Construction"
S.P. 925

Presented by Senator ERWIN of Oxford
Cosponsored by: Representative HICKEY of Augusta, Senator BALDACCI of Penobscot, Representative WALKER of Norway

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

Sent down for concurrence.

Bill "An Act to Clarify the Authority of Harbor Masters" (Emergency)

S.P. 926

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative MITCHELL of Freeport, Representative MAYO of Thomaston, Senator CHALMERS of Knox
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

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

SENATE PAPERS

Resolve, Authorizing the Commissioner of Transportation to Issue Temporary Experimental Vehicle Permits on a Limited Basis under Strictly Controlled Conditions (Emergency)
S.P. 927

Presented by Senator DOW of Kennebec
Cosponsored by: Representative POULIOT of Lewiston
Submitted by the Department of Transportation pursuant to Joint Rule 24

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND TWELFTH LEGISLATURE

April 1, 1986

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

The Secretary will call the Roll.

ROLL CALL

Dear Mr. President:

YEAS: Senators None

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 Legal Affairs has had under consideration the nomination of James Gibbons of South Portland, as a member of the Maine State Liquor Commission.

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

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

YEAS: Senators 3
Representatives 7

ABSENT: Senators, BROWN, CARPENTER, DIAMOND, DUTREMBLE, KANY, TRAFTON

NAYS: 0

ABSENT: 3 Rep. Paul of Sanford,
Rep. Rioux of Biddeford,
Rep. Warren of Scarborough

10 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 James Gibbons of South Portland, as a member of the Maine State Liquor Commission be confirmed.

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and nomination of James Gibbons was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Sincerely,

S/Richard L. Trafton
Senate Chair

S/Polly Reeves
House Chair

Senate at Ease

Senate called to order by the President.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended that the nomination of James Gibbons of South Portland be confirmed.

THE PRESIDENT: In reference to the action of the Senate on April 1, 1986, whereby it INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE on:

The pending question before the Senate is: "Shall the recommendation of the Committee on LEGAL AFFAIRS be overridden?"

Resolve to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State

H. P. 1377 L. D. 1940

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.

The Chair appointed as conferees on the part of the Senate:

A vote of No will be in favor of sustaining the recommendation of the Committee.

Senator TRAFTON of Androscoggin
Senator STOVER of Sagadahoc
Senator DOW of Kennebec

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians" H.P. 1418 L.D. 2007 (C "A" H-607)

Tabled - April 1, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 1, 1986, READ A SECOND TIME.)

(In House, March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607).)

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

Senator PEARSON: Mr. President, I am satisfied with the statement of fact in the Bill that says that it does not confer upon that band of Indians any tax exemption nor treat them as a municipality.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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
(H "A" H-540; S "A" S-389)

Tabled - April 1, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, March 18, 1986, PASSED TO BE ENACTED, in concurrence.)

(In House, March 31, 1986, RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1620, in concurrence.)

(In House, March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540) AS AMENDED BY HOUSE AMENDMENT "B" (H-614) thereto AND SENATE AMENDMENT "A" (S-389) in NON-CONCURRENCE.)

On motion by Senator USHER of Cumberland the Senate RECEDED from PASSAGE TO BE ENACTED.

Senator USHER of Cumberland moved that the Senate RECEDE from PASSAGE TO BE ENGROSSED AS AMENDED.

Senator CHALMERS of Knox requested a Division.

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

Senator USHER: Thank you Mr. President, this is the Legislation that was recalled from the Governor's desk and the Governor's office had some problems with it. I am attempting to correct some of the problems so we can put it on its way and return it to the Governor's office. One is to take off the Amendments that pose problems and make this an administrative nightmare for the Maine Municipal Association, and also the Department. This is what I am attempting to do.

Senate at Ease

Senate called to order by the President.

Senator CHALMERS of Knox requested and received Leave of the Senate to Withdraw her request for a Division.

On motion by Senator USHER of Cumberland, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

House Amendment "A" (H-540) READ.

House Amendment "B" (H-614) to House Amendment "A" (H-540) READ.

Senator USHER of Cumberland moved the INDEFINITE POSTPONEMENT of House Amendment "B" (H-614) to House Amendment "A" (H-540).

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE House Amendment "B" (H-614) to House Amendment "A" (H-540).

On motion by Senator CHALMERS of Knox ADJOURNED until Wednesday, April 2, 1986, at 8:30 in the morning.