

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

Reading of the Journal of Yesterday.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

In Senate Chamber
Wednesday
April 2, 1986

Bill "An Act to Amend Certain Motor Vehicle Laws"
S.P. 912 L.D. 2279

In Senate, March 31, 1986, PASSED TO BE
ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-633) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Senate called to Order by the President.

Prayer by Reverend David Sparks of the First Church
of the Nazarene in Augusta.

REVEREND SPARKS: Let us pray. Father in the most recent celebration of Easter, we have come to be reminded again of the new understanding of why Jesus passed up the religious establishment of His day, passed up the economically secure and socially prestigious and sought out the poor and the outcast the sinner, the broken, the sick and the lonely. He felt as too often we do not, feel their sorrow. He was acquainted, as too often we do not feel their sorrow. He was acquainted as too often we are not, with their grief. On calvary He died of a broken heart, that heart was broken long before the crucifixion by the desolation of the common people who are reminded in the words of the Old Testament that in all their afflictions He was afflicted. We confess, our Father, that most of the time we are not.

We seem to have quite a different conception of life. We avoid as much as possible the unpleasant, we shun the suffering of others, we shrink from the burdens except those that life itself inescapably thrust upon us. We seek wealth and power which will enable us to secure ourselves against the possibility of being involved in others afflictions. Sometimes the needy make their way to our door and we toss a coin and go on our way. We give our charities, but we do not give ourselves. Father we pray on this, Your day, that You would teach us the compassion of the Lord, that You would teach us to put charity into our charities, to put ourselves into the lives of those that You bring across our path. May we be a part of Your answer, in the name of Jesus. Amen.

Non-concurrent Matter

Bill "An Act to Modify and Update Certain Laws
Pertaining to Inland Fisheries and Wildlife"
S.P. 916 L.D. 2286

In Senate, March 31, 1986, PASSED TO BE
ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-634) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$7,700,000 for Various
Projects at the University of Maine"
H.P. 1639 L.D. 2311

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

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

Bill "An Act Relating to Air Emission Licenses in Nonattainment Areas" (Emergency)
H.P. 1634 L.D. 2307

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

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

Bill "An Act to Extend the Deadline and Increase the Appropriation for the Special Select Commission on the Administration and Financing of General Assistance"
H.P. 1635 L.D. 2308

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

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

Bill "An Act to Require the Workers' Compensation Commission to Study the Causes of Delay and its Effects on the Participants in the Workers' Compensation System" (Emergency)
H.P. 1636 L.D. 2309

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

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

Bill "An Act to Make Certain Revisions in the Maine Tax Laws and Appropriations from the General Fund" (Emergency)
H.P. 1638 L.D. 2310

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

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

Joint Resolution

The Following Joint Resolution: H.P. 1623

JOINT RESOLUTION MEMORIALIZING THE MAINE STATE RETIREMENT SYSTEM TO MAKE FURTHER LIMITATIONS ON INVESTMENT AND DIVESTITURE OF PUBLIC FUNDS IN THE REPUBLIC OF SOUTH AFRICA AND NAMIBIA

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Twelfth Legislative Session, now assembled, most respectfully request and petition the Board of Trustees of the Maine State Retirement System, as follows:

WHEREAS, the Republic of South Africa practices a policy of racial segregation, known as apartheid, which discriminates against Blacks, persons of mixed race and persons of Asian origin, who comprise more than 80% of the population of the Republic of South Africa; and

WHEREAS, this practice results in these groups being denied South African citizenship; places severe restrictions on freedom of speech and movement; and restricts access to education, housing and public facilities; and

WHEREAS, apartheid and the policies associated with apartheid are used to separate non-whites family members from each other, to justify the torture of and destruction to Blacks, Asians and persons of mixed races; and to deprive non-whites of a decent standard of living; and

WHEREAS, many citizens of the State have expressed concern regarding these inequities and injustices and are of the opinion that corporations in which public funds are invested should treat all of their employees in a socially responsible manner; and

WHEREAS, most of the recent "reforms" of the government of the Republic of South Africa are not substantive reforms and are intended only to give the appearance of reform; and

WHEREAS, the Joint Resolution of the First Regular Session of the One Hundred and Twelfth Legislature has been complied with by the Board of Trustees of the Maine State Retirement System and the Treasurer of the State of Maine to the extent that each has divested their accounts of all securities issued by companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles; and

WHEREAS, the situation in South Africa has worsened and more aggressive divestment is justified; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully request and petition the Board of Trustees of the Maine State Retirement System and all other persons who serve as trustees for public funds to reduce their total accounts, consistent with the requirements of the "prudent man rule," in securities issued by companies and corporations doing business in South Africa and Namibia by 1/3 of their current total holdings and to accomplish this divestment by concentrating upon companies and corporations doing business in South Africa and Namibia and who are not in Categories I or II according to the most recent report of the Sullivan Program; and be it further

RESOLVED: That the Executive Director of the Maine State Retirement System and the Treasurer of the State of Maine report the results of their divestment efforts to the Joint Standing Committee on State Government on January 1, 1987; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Board of Trustees of the Maine State Retirement System, the Treasurer of State of Maine, the Members of the Maine Congressional Delegation, the Secretary of State of the United States, the President of the United States, Prime Minister P.W. Botha of the Republic of South Africa and Ambassador Bernadus G. Fourie, Ambassador of South Africa to the United States.

Comes from the House READ and ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-632).

Which was READ.

House Amendment "A" (H-632) READ and ADOPTED, in concurrence.

Which was ADOPTED, AS AMENDED BY HOUSE AMENDMENT "A" (H-632), in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

April 1, 1986

Hon. Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Madam Secretary:

As you know, Senator Dutremble is ill and in the hospital.

Due to his illness, I have approved his absence from the Senate from March 24th through the end of the Second Regular Session.

Please note that on recorded notes unless explicitly expressed by Senator Dutremble to me for a pair, Senator Dutremble will be recorded as an excused vote.

Sincerely,

S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Amend the Charter of the Camden and Rockland Water Company" (Emergency)
H.P. 1351 L.D. 1887

Bill "An Act to Create the Lincolnville, Camden, Hope, Searsmont and Belmont Water District"
H.P. 1379 L.D. 1942

Ought To Pass in New Draft

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Authorize Preferred Provider Arrangements in Maine and to Establish a Cash Reserve Requirement for Health Maintenance Organizations"
H.P. 1466 L.D. 2068

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

H.P. 1625 L.D. 2290

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-627).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-627) READ and ADOPTED, in concurrence.

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

Bill "An Act Concerning the Disbursement of Money Acquired Through Confiscation of Seized Property in Drug-related Crimes"

S.P. 722 L.D. 1845

Ought to Pass in New Draft under New Title

Senator MATTHEWS for the Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Provide a Single Audit for Community Action Agencies"

S.P. 774 L.D. 1946

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Ensure the Implementation of a Single Audit"

S.P. 924 L.D. 2304

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.

The Committee on UTILITIES on Bill "An Act to Amend the Charter of the Passamaquoddy Water District" (Emergency)

H.P. 1313 L.D. 1829

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

H.P. 1631 L.D. 2299

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.

SECOND READERS

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

House

Bill "An Act to Amend the Law Relating to Group Health Insurance"

H.P. 1615 L.D. 2273

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

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 to Expand the Number of Volunteers to Provide Transportation Services"

S.P. 708 L.D. 1833

House As Amended

Bill "An Act to Amend the Maine Osteopathic Student Loan Program"

H.P. 1497 L.D. 2110
(C "A" H-619)

Resolve, Authorizing the Exchange and Sale of Certain Public Reserved Lands

H.P. 1516 L.D. 2145
(C "A" H-615)

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
(C "A" H-618)

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

Senate

Bill "An Act to Establish the New England and Eastern Canada Legislative Commission" (Emergency)
S.P. 888 L.D. 2237

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Adopt the Maine Fair Debt Collection Practices Act"

S.P. 834 L.D. 2116
(C "A" S-451)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

An Act to Facilitate the Collection of Child Support

S.P. 887 L.D. 2246

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

Pending - ENACTMENT

(In House, March 31, 1986, PASSED TO BE ENACTED.)

(In Senate, March 24, 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.

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

Resolve, to Establish a Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine (Emergency)

H.P. 1624 L.D. 2289

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

Pending - ADOPTION of House Amendment "A" (H-622)

(In Senate, April 1, 1986, Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED, in concurrence. The NEW DRAFT READ ONCE. House Amendment "A" (H-622) READ.)

(In House, April 1, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-622).)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ADOPTION of House Amendment "A" (H-622).

Off Record Remarks

Senate at Ease

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

House Papers

Bill "An Act Making Supplemental Appropriations from the General Fund to Implement the Recommendations of the Visiting Committee to the University of Maine and for Other Purposes for the Fiscal Year Ending June 30, 1987" (Emergency) H.P. 1641

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

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

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

Senator BALDACCI: Thank you Mr. President, Mr. President and Members of the Senate. I just want to keep you informed that there has been some recent controversy in regards to the fuel adjustment clauses that are on the electric Bill. I would like to inform you that the Public Utilities Commission will be reviewing Central Maine Power Co. and Bangor Hydro Co's. fuel adjustment rate, earlier than they had scheduled to. When they were established last September and November they were set at \$24 a barrel and \$26 a barrel, respectively. Since that time the price of the oil has gone down to \$10 or \$11 a barrel, and according to the Chairman of the Commission, the fuel clause is out of whack, so they will be reviewing that and hopefully they will be reviewing the rate so that it will be reflected of the downward trend in the oil prices. Thank you Mr. President.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

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)

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

Pending - Motion of same Senator to RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED

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

Senator VIOLETTE of Aroostook requested and received Leave of the Senate to Withdraw his motion to RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

On motion by Senator SHUTE of Waldo RECESSED until 5 o'clock in the afternoon.

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

Joint Resolution

The Following Joint Resolution: H.P. 1640

JOINT RESOLUTION MEMORIALIZING THE FORMATION
OF A FEDERAL COMMISSION ON YOUTH SUICIDE

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 2, 1986

WE, Your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Twelfth Legislature, now assembled, most respectfully request and petition the Congress of the United States, as follows:

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

Dear Madam Secretary:

WHEREAS, suicide has overtaken homicide as the number 2 killer of American youths between the ages of 15 and 24 with over 6,000 deaths estimated to have occurred in 1983 by the National Center for Health Statistics; and

The House voted today to Insist and Join in a Committee of Conference on 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).

WHEREAS, at a rate that has increased by more than 300% since 1955, suicide now claims more young lives than cancer; and

Sincerely,

WHEREAS, since suicide is often classified as either an accident or a homicide in order to spare a family grief and avoid stigmatizing a community, the actual number of suicides may be as great as 4 times the number reported; and

S/Edwin H. Pert
Clerk of the House

WHEREAS, the underlying causes of youth suicide and the related behavioral difficulties faced by adolescents are not adequately researched, documented and understood; now, therefore, be it

Which was READ and ORDERED PLACED ON FILE.

RESOLVED: That We your Memorialists hereby formally petition the United States Congress to create a Federal Commission on Youth Suicide Prevention; and be it further

COMMITTEE REPORTS

House

Leave to Withdraw

RESOLVED: That this federal commission on youth suicide be charged with a broad mandate to amass a national data base on teenage suicide, research and analyze the underlying causes of teenage suicide in our society, formulate policy and legislative recommendations for the President and Congress and provide guidance to State and local governments and school systems in the development of suicide prevention and related programs; and be it further

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 Include Drugs for Treating Arthritis in the Elderly Low Cost Drug Program"
H.P. 1295 L.D. 1811

Bill "An Act to Provide Additional Funding for the Newly Consolidated Maine Fire Training and Education Program as Administered by Southern Maine Vocational-Technical Institute"
H.P. 1318 L.D. 1853

Comes from the House READ and ADOPTED.

Bill "An Act to Establish Kennebec County Corrections' Improvement Fund" (Emergency)
H.P. 1435 L.D. 2026

Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication:

Ought to Pass

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

H.P. 1637 L.D. 2306

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.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

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

Ought To Pass As Amended

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act Concerning the Waldo County Budget Committee" (Emergency)

H.P. 1436 L.D. 2027

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-629).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-629) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Limit Preferential Taxation within a Unitary Business"

H.P. 1254 L.D. 1764

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-628).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-628) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Charter of the Passamaquoddy Water District" (Emergency) H.P. 1631 L.D. 2299

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

House As Amended

Bill "An Act to Authorize Preferred Provider Arrangements in Maine and to Establish a Cash Reserve Requirement for Health Maintenance Organizations" H.P. 1625 L.D. 2290 (H "A" H-627)

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

Senate

Bill "An Act to Ensure the Implementation of a Single Audit"

S.P. 924 L.D. 2304

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

Sent down for concurrence.

Off Record Remarks

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

SENATE PAPERS

Bill "An Act to Implement an Inflation Factor in the School Construction Law"

S.P. 929

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative SOUCY of Kittery,
Representative ROLDE of York, Representative
HICHBORN of LaGrange
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act to Provide Funding through Fees and Trim Expenses of the Court Mediation Service"

S.P. 928

Presented by Senator CARPENTER of Aroostook
Cosponsored by: Representative KANE of South
Portland
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

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 Providing for Financial Assistance to Owners of Underground Oil Storage Tanks"
S.P. 869 L.D. 2185

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

ORDERS

Joint Resolution

On motion by Senator BALDACCI of Penobscot (Cosponsored by: Representative VOSE of Eastport) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 931

JOINT RESOLUTION MEMORIALIZING THE PUBLIC UTILITIES COMMISSION TO REVIEW THE NEW ENGLAND POWER POOL AGREEMENT

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition the Public Utilities Commission, as follows:

WHEREAS, the New England Power Pool Agreement includes provisions governing the joint planning, operation and dispatch of generating facilities, the setting of capacity requirements and the setting of charges and credits for energy transactions among member utilities; and

WHEREAS, the members of NEPOOL consist of various New England utilities, including Central Maine Power Company and Bangor Hydro-electric Company, which are minority participants; and

WHEREAS, NEPOOL has considerable control over the physical day-to-day operation of Central Maine Power Company's and Bangor Hydro-electric Company's generating units and the economics associated therewith; and

WHEREAS, NEPOOL recently voted without justification to increase the reserve capacity requirements of its members over the objections of Central Maine Power Company and Bangor Hydro-electric Company; and

WHEREAS, Central Maine Power Company and Bangor Hydro-electric Company have commenced internal studies of whether remaining in NEPOOL is in their interest and in the interest of their customers; and

WHEREAS, the Public Utilities Commission has already commenced an informal process to review the utilities' studies of NEPOOL and may commence its own formal investigation; and

WHEREAS, the utilities, customers and the general public of the State of Maine should be entitled to the benefit of a complete study of this matter and consideration of what actions if any should be taken; now, therefore, be it

RESOLVED: That the Public Utilities Commission and the 2 utilities shall continue their investigation of whether the Maine utilities' participation in NEPOOL is in the public interest; and be it further

RESOLVED: That the Maine utilities provide all necessary information and cooperation to the commission in its investigation; and be it further

RESOLVED: That the commission report to the Legislature at the beginning of the next regular session of the results of its investigation; and be it further

RESOLVED: That the commission take any other actions necessary within their statutory authority to protect the public interest with respect to Maine utilities participation in NEPOOL; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be transmitted immediately by the Secretary of State to the Chairman of the Public Utilities Commission.

Which was READ and ADOPTED.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Establish a Universal Telephone Service Program"

S.P. 930

Presented by Senator BALDACCI of Penobscot
Cosponsored by: Representative VOSE of Eastport

Which was referred to the Committee on UTILITIES 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 MARINE RESOURCES
ONE HUNDRED AND TWELFTH LEGISLATURE

April 2, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of David B. Turner of Eastport, as a member of the Marine Resources Advisory Council.

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

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Senator Shute of Waldo

12 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 David B. Turner of Eastport, as a member of the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Jean B. Chalmers
Senate Chair

S/Nathaniel J. Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended that the nomination of David B. Turner of Eastport be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators, BUSTIN, DIAMOND, TRAFTON

EXCUSED: Senator DUTREMBLE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, 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 the nomination of David B. Turner was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND TWELFTH LEGISLATURE

April 2, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Myron A. Sprague, Jr. of Swan's Island, as a member of the Marine Resources Advisory Council.

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

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Senator Shute of Waldo

12 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 Myron A. Sprague, Jr. of Swan's Island, as a member of the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Jean B. Chalmers
Senate Chair

S/Nathaniel J. Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended that the nomination of Myron A. Sprague, Jr. of Swan's Island be confirmed.

COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND TWELFTH LEGISLATURE

April 2, 1986

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators, DIAMOND, TRAFTON

EXCUSED: Senator DUTREMBLE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, 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 the nomination of Myron A. Sprague, Jr. was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Brian P. Tarbox of Cumberland Center, as a member of the Marine Resources Advisory Council.

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

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Senator Shute of Waldo

12 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 Brian P. Tarbox of Cumberland Center, as a member of the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Jean B. Chalmers
Senate Chair

S/Nathaniel J. Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended that the nomination of Brian P. Tarbox of Cumberland Center be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senator MAYBURY

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

ABSENT: Senators, DIAMOND, TRAFTON

EXCUSED: Senator DUTREMBLE

1 Senators having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and 1 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 the nomination of Brain P. Tarbox was CONFIRMED.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

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

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

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

Pending - ENACTMENT

(In House, April 1, 1986, PASSED TO BE ENACTED.)

(In Senate, March 31, 1986, PASSED TO BE ENGROSSED, in concurrence.)

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I have every intention today for voting for this Bill, although it will be placed on the Appropriations Table. At the appropriate time I will be voting for this Bill. I do wish to make some comments for the Record with respect to some of the reservations that I have about what I feel with respect to some serious doubts that I have as to whether or not a veterans' home, under the scenario that is prescribe for this legislation will ever be built. The veteran's Administration has provided for two forms of assistance for veterans who need nursing care. Instruction funding for a State who wishes to provide nursing care for veterans. Veterans Administration provides 65% of its construction costs. Veteran's Administration provides \$17.05 per day to insure a veteran will be receiving quality care in a State home. This proposal says, "The use of this operational fund in Aroostook County for the use of construction of a facility somewhere in Aroostook." I don't think it is proper for this State to use one criteria to build a nursing home for veterans and another criteria in Aroostook County. This I believe, puts the veterans in that County at a considerable disadvantage as compared to the existing rules and regulations. By using this operational stipend in Aroostook County, it is inevitable that the increased cost in nursing care in Aroostook County will be increased through medical aid assistance. Requests by the Congressional Delegation to the change the law through its application of veterans administration per diem, the \$17.05 per day to State nursing homes. The Veteran's Administration's stipends were intended to provide an additional degree of quality care to its' veterans and certainly not a reserved fund for nursing home construction as proposed for the Aroostook project.

I also have a great deal of reservations that this Bill will pass in the Congress, as it is my understanding, it has been introduced before and it has been introduced in the first year of this session of the Congress, and does not look like it will pass. The Aroostook project of funding with State borrowing only makes it a very costly project, without the 65% Federal construction participation and in direct competition with other private nursing homes that all to meet the Certificate of Need by the State to insure quality care for all nursing homes. I am also concerned that if this law does not pass in the U.S. Congress that would provide the funding for this home in Aroostook, and since only one home has been placed on the list for those nursing homes eligible for the 65% subsidy, so to speak, from the Federal Government for the construction of this home. That this home in Aroostook will never be built.

I trust that will not be the case, but every indication that has been provided to this Senator, by the Bureau of Veteran's Services, as well as my contacts with the Congressional Delegation in Washington, relative to the Bill ending in the Congress, casts a great deal of doubt on this Senator's mind, and I quite frankly feel that what will happen will be that there will be one home built. Five or ten years from now there will be one home built in southern Maine and none in northern Maine.

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

Senator NAJARIAN: Mr. President and Members of the Senate. I would like to respond to the remarks of the good Senator from Aroostook, Senator Violette. He expressed serious doubts that the home in Aroostook County would be built. There is no guarantee that either home will be built, actually. I would like to explain the reasons why there may be different criteria for the one in Aroostook County as opposed to the proposed home in Biddeford, in southern Maine. The existing Veterans' Home Administration applied for Federal construction money for the home in Biddeford. Construction money for veterans' homes is based on first come first serve. That home in Biddeford is number 67 on the list of homes to be built in the future. This year Congress appropriated \$42 million for construction for veterans' homes and that only built seven homes. You can see that it may be many years before they even get construction funds for the Biddeford site.

The amount of money that is taken depends on the size of the nursing homes that are being built, it is, presumably that you can have ten or fifteen small ones so we could move up the ladder a lot faster. On the Aroostook homes, if Biddeford's time comes up they will qualify for 65% Federal funding. Plus \$17 per day for the operations for each veteran. In Aroostook County, the testimony that we had, the Federal Government will only built if it is up to sixty beds or above. There was some question as to whether Aroostook County could support that many beds. They thought maybe thirty or forty beds might be the appropriate number for Aroostook County.

Secondly, the Federal Government requires the nursing homes to be free standing and that the State owns the land. It was thought that in Aroostook County that would attach the nursing home to the hospital in Caribou. They could get low cost financing plus the \$17 per diem, if they could get that they wouldn't need the construction money, but it would still cost less than an ordinary nursing home bed. It would be a little more than if they got construction money too, but it would be affordable. With only the Federal operating money of \$17 per day for each veteran. There is a possibility that the Aroostook home could be built sooner than the Biddeford home, because they wouldn't have to rely on the Federal construction money, but could use private borrowing. There is no guarantee on either home, they both have to go through the Certificate of Need Process. There is a need for beds in York County and there is a need for beds in Aroostook County, so I don't think that will be a problem.

The Department of Human Services supports these beds in these homes because they say the veterans nursing homes provide top quality service and they are anxious for Maine people to receive that, plus it is cheaper than the privately owned nursing home beds. Even the non-profit ones, it is only \$5 a day. Even if the Aroostook County home doesn't get the construction money it will still be less than the private home by about two dollars per day per veteran, which really adds up. That is the only assurance I can give the good Senator from Aroostook, but if that is all we have to go on, I feel that eventually they will be built, but it may be four or five years.

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

Senator PEARSON: Mr. President, unusual as it may be, I am going to make a few remarks on this and then ask the good Senator from Androscoggin, Senator Berube, if she would place this on the Appropriations Table when everybody's remarks have concluded. I had a note today on this particular Bill, it does have to go to the Appropriations Table, because it has a future cost and that is the standard way of operating on any Bill that costs money. My telephone message today was, "Veterans in your area would appreciate you getting the veterans home built out of the Appropriations Committee as soon as possible, so that it can have a favorable vote in the Senate." The person, obviously, doesn't understand the process of how we go about dealing with these Bills. It really happens the other way around and goes on the Table and then finally does come out for a vote, but not until all other measures have gotten on the Table and have consideration. For the Record I thought it was necessary for me to place those remarks on that. That Bill would not come out of Appropriations in any quicker manner than any other Bill.

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

The Chair laid before the Senate the Tabled and specially 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 CLARK of Cumberland.

Pending - Motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE House Amendment "B" (H-614) to House Amendment "A" (H-540)

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

(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.)

(In Senate, April 1, 1986, RECEDED from ENACTMENT. 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 CHALMERS of Knox moved that the Senate CONCUR.

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

Senator USHER: I request a Division and would like to speak to my motion. This Bill has gone down to the Governor's office and their legal people have looked this over and found a couple of things that concern them. They sent it back up to the third floor and the problems are within these two amendments which I made an attempt to Indefinitely Postpone a day ago. These two amendments add administrative burden to the municipalities and to the State by trying to establish a financial means test. The system is likely to become more complex. It reduces on clean up and puts the focus on social welfare issues. I would hope that the Senate would go with me and defeat this motion to Concur.

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

Senator EMERSON: Mr. President, Ladies and Gentlemen of the Senate. I would urge to support the motion to Concur. This amendment which is trying to be taken off would only say anybody seeking funds, seeking a grant, for the installation of a pollution abatement for septic systems would have to demonstrate a need for the funds. That is all the amendment does. It doesn't say that the towns have to apply any test of financial ability, it says the applicant for a grant under this paragraph for a project serving a single family dwelling, including out buildings or a single commercial establishment shall include a signed statement of the financial condition of the applicant, but applicant has been changed by amendment "B", describing the need for the grant. It does say it describes it's need, it doesn't say whether the town has to establish any criteria.

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

Senator BALDACCI: Mr. President, I would like to pose a question through the Chair to anyone in the Chamber who may care to answer. What is the sense of having a financial form included in the package, if there is no statute being proposed that is requiring that it is going to be reviewed.

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, Ladies and Gentlemen of the Senate. The idea of the amendment was that it might cut down a lot on the amount of people who would apply.

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

Senator CHALMERS: Thank you Mr. President, as I understand the amendment if a person were to apply to the municipality to get 90% of the costs of this pollution clean up taken care of. The town would then have some choice. Some very wealthy land owners who can afford it, perhaps, are not deserving of having 90% of their costs covered by the grant. This only allows the town the option of knowing about this so that when the town awards these grants they can take that into consideration.

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

Senator BALDACCI: Mr. President and Members of the Senate. The concern that I have and the good Senator, Senator Chalmers, has pointed out very adequately the attempt of the particular piece of legislation as has been amended. I think it is taking into consideration some things that are really not there. It isn't prohibiting anybody that is making two or three hundred thousand dollars a year from filling out that form and stating that they do want the grant. All they have to do is fill that form out and they should be treated like everybody else, because there is nothing in the law that we are passing that requires that form be taken into consideration. There are a lot of people that don't make very much money that feel very uncomfortable about filling out those forms, but I would also submit that there are a lot of people that make a lot of money that would not be bothered in the least. I think that you are taking a lot into consideration and I think unless you are going to require a means test that, therefore, you shouldn't include that form whatsoever, because it would be totally unnecessary.

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

Senator CLARK: Thank you Mr. President, Mr. President, Men and Women of the Senate. I can appreciate the concerns expressed by the good Senator from Penobscot, Senator Baldacci, but monies into this grant proposal are limited.

I think that it is perfectly appropriate, in fact it is timely appropriate, that we have a statement of financial need in the applications for these monies. If we have more applications then there are monies available through a grant, which the municipality has received, indeed I think that the local Legislative Bodies, within the municipalities across the State and particularly those along the coast who are most keenly affected will make the decisions about the recipients of the grants in a much more discerning manner. I have faith in their judgement and I would hope that you would support the pending motion of Concur. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CHALMERS of Knox to CONCUR.

A Division has been requested.

Will all those Senators in favor of the motion to 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.

26 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator CHALMERS of Knox to CONCUR, PREVAILS.

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

Resolve, to Establish a Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine (Emergency)

H.P. 1624 L.D. 2289

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

Pending - ADOPTION of House Amendment "A" (H-622)

(In Senate, April 1, 1986, the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED, in concurrence. The Bill in NEW DRAFT READ ONCE. House Amendment "A" (H-622) READ.)

(In House, April 1, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-622).)

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. This is a Bill that came out of the Judiciary Committee that apparently was one of those Bills that there was some confusion on.

It came out looking like a unanimous report and in fact it may have been something less than that. At least it is heavily towards the majority side. The Committee Members had worked this bill in my absence one day and had agreed that this commission should report back January 15, 1988, that was then changed in the House and initially I had agreed to go along with that. Now, the Committee and myself have agreed that it is not proper to go along with the amendment which would move the reporting date back to March 15, 1987. Therefore, Mr President, I would move the Indefinite Postponement of House Amendment "A" (H-622).

Senator CARPENTER of Aroostook moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-622) in NON-CONCURRENCE.

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

Senator SEWALL: Thank you Mr. President and Members of the Senate. I would ask for a Division on that motion. I am a Member of two Committee's, the Committee of Business and Commerce we deal with liability insurance and Judiciary we deal with tort. We have had a lot of problems, in fact, everyone in the nation has had a lot of problems in these two areas. I really can't see any reason to make a study go on for two years rather than one year, which is what the amendment did. Everyone in the nation is studying this. I suppose we can add to the finances and have our own study and perhaps we will come up with something very unusual and it will solve all the problems not only for Maine, but for the rest of the nation. I rather suspect that we could do that in one year and have something under way, rather than waiting for two years. I thought to myself when I saw the Bill, because I never agreed to have a study go for two full years, especially with such a crying problem there. I thought why in the world would this go on for two years. It occurred to me, well if I were a trial lawyer, which I am not, I would think as long as a study is going on there will be no reform, because after all we have a study we don't want to make any motion in any direction until we get the results of this study. Therefore, I think what ended up being the majority of the Committee, decided to go along with the 1987 date. To go with the study for one year and if they needed more time to study it, of course, they could always be granted an exemption from that date and give an extension for the study to go on longer. Then I thought a little more about it, and I served on the Judiciary Committee in the 108th, and at that time the court struck down our tort claims act and the State was in a pretty desperate situation. It was a very complicated deal and in two weeks we passed a bill and solved the problem. I really think that one year for the study, with a possible extension if for a good reason, is sufficient.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I certainly don't want to get into an argument with one of my fellow Committee Members, but I also will take a little bit of unbridge with the argument that this is a trial Lawyers Bill.

Especially in light of what the Federal proposals are that we have just begun to hear about in terms about the so called litigation explosion. Presently my Committee is dealing with the malpractice professional liability issue. Senator Trafton's Committee is dealing with the Dram Shop issue. Senator Bustin's Committee is dealing with the whole insurance issues. This Bill was put in and we thought it was an excellent vehicle, after discussions with both Senator Bustin and Senator Trafton and the House Chairs, an excellent vehicle to simply pull together everything that there was and probably half the Members of the Senate have come to me at some point during this Session and said well is there anything in to relieve in this type of industry, or this segment of our economy, the terrible burden and I said no. The business community by and large there have been no bills in to relieve the general business community from the liability insurance problems that they are having. We said wait a minute. Right now we have three different Legislative Committees who are running in separate directions in their own jurisdictions, lets pull together and take a look at what has been done, what needs to be done, and what areas are left uncovered. We hopefully will adjourn here in the next couple of weeks, this law will then become effective ninety days after our adjournment and we will be giving this commission less than a year to pull all this information together. I would remind you that it is the commission that is being formed and asked to act in a very political year, a Legislative year, and I am not saying they should go until January 15, 1988, I hope and pray they don't. That is the absolute longest they can go. As far as the Senator from Lincoln, Senator Sewall, remarks about this could be changed, granted it could be changed. That would require another statutory change and I don't think we need to make any more statutes than we have to. This is an absolute ending date by which they must report back. I think clearly we are not going to see what the Federal Government is going to do in this area for at least another year. There is no sense of us jumping into the breach if there is no need to. It has been dealt with under Federal law, but I simply ask that we go ahead and kill this Bill, allow this Commission no longer time than January 15, 1988, rather than putting them in a straight jacket and saying you have basically six months to get all this information, figure out what the Fed's are going to do, figure out what the insurance companies are going to do and get back to us. Thank you.

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

Senator CHALMERS: Thank you Mr. President, I just wanted to add one little fact. If this Commission is made up of eleven Members, six of them are Legislators, and I just having finished a family court commission, realize that trying to be in the Legislature when it is in session and then trying to get a commission going and come out with something. You really need a little more time then the time between now and the next session of the Legislature. I would think that going as a last date, they have to report by January 15, 1988, would give them sufficient time and if they can come in ahead of time than all the better.

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

Senator SEWALL: Thank you Mr. President and Members of the Senate. I will just leave you with one short thought. Have you ever seen a Committee Report much in advance of its' due date?

THE PRESIDENT: The pending question before the Senate is the motion of Senator CARPENTER of Aroostook to INDEFINITELY POSTPONE House Amendment "A" (H-622) in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone House Amendment "A" (H-622), 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 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator CARPENTER of Aroostook to INDEFINITELY POSTPONE House Amendment "A" (H-622) in NON-CONCURRENCE, PREVAILS.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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. 2286?

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

Senator VIOLETTE of Aroostook moved that the Senate RECONSIDER its action whereby it RECEDED and CONCURRED on:

Bill "An Act to Modify and Update Certain Laws
Pertaining to Inland Fisheries and Wildlife"
S.P. 916 L.D. 2286
(H "A" H-634)

(In House, April 1, 1986, PASSED TO BE ENGROSSED
AS AMENDED BY HOUSE AMENDMENT "A" (H-634) in
NON-CONCURRENCE.)

(In Senate, April 2, 1986, RECEDED and
CONCURRED.)

On further motion by same Senator, Tabled 1
Legislative Day, pending the motion of same Senator
to RECONSIDER RECEDING and CONCURRING.

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

Senator PEARSON: Mr. President, Men and Women
of the Senate. Last evening on the Penobscot
Reservation near Old Town the Department of Energy
had its' hearing and I am pleased to report to this
Body and to all of the people of the State, that the
Penobscot Tribe did an incredible job of presenting
its' arguments and I was there during most of the
meeting and was very pleased on the way they
presented their arguments.

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

Off Record Remarks

On motion by Senator CLARK of Cumberland
ADJOURNED until Thursday, April 3, 1986, at 9
o'clock in the morning.