

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

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April 8, 1986

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

The Honorable Members
112th Maine Legislature
State House
Augusta, Maine 04333

Dear Legislator,

In Senate Chamber
Thursday
April 10, 1986

I am very pleased to transmit to you this report on Uncut Timber Stands and Unique Alpine areas on State lands in Maine.

In 1983, the Maine Legislature directed the State Planning Office to inventory State-owned lands for forested areas that had never been harvested, as well as for unique alpine areas.

Senate called to Order by the President.

We have reviewed past studies and conducted additional field work in the Mahoosuc Mountains, the Bigelow Preserve, Baxter State Park, and T.15 R.9, those public lands with higher elevations. We conclude that the State of Maine owns and manages for conservation the best areas of alpine vegetation in the State of Maine, but owns very few of the truly "old-growth" forests.

Prayer by Pastor Andrew Spohrer of the United Baptist Church in Old Town.

More detailed studies of State-owned alpine and old-growth areas, upon which this report is based, are available upon request.

PASTOR SPOHRER: Heavenly Father, we praise You this morning for Your eternal power and glory. We praise You for the privilege for seeing Your glory reflected between the clouds and the sun this morning. We pray Father, this morning, that You will reflect Your glory in our hearts, that we will be removed from selfishness and self-centeredness and Father that these men and women will have wisdom from You, as their take care of their responsibilities for us as a State. We pray Your blessing upon them and we pray that You will give them encouragement for their sacrifice in serving us. We pray in Jesus' name, Amen.

The staff of the State Planning Office and the Critical Areas Program are most grateful for this opportunity to be of service to you and to the people of Maine.

With very best wishes,

Sincerely,

S/Richard E. Barringer

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

Reading of the Journal of Yesterday.

The Following Communication:

COMMUNICATIONS

COMMITTEE ON LABOR
ONE HUNDRED TWELFTH LEGISLATURE

The Following Communication:

April 8, 1986

STATE PLANNING OFFICE
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333

The Honorable Charles P. Pray
President of the Senate
112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	19
Unanimous reports	15
Leave to Withdraw	6
Ought to Pass	2
Ought Not to Pass	2
Ought to Pass as Amended	1
Ought to Pass in New Draft	4
Divided reports	4

Respectfully submitted,

S/Senator Dennis Dutremble
Senate Chair

S/Rep. Edith Beaulieu
House Chair

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on HUMAN RESOURCES on 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

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on BUSINESS AND COMMERCE on Bill "An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies"

H.P. 1598 L.D. 2251

Reported that the same Ought to Pass.

Signed:

Senators: SEWALL of Lincoln
KERRY of York
BUSTIN of Kennebec

Representatives: ALIBERTI of Lewiston
MURRAY of Bangor
BRANNIGAN of Portland
RYDELL of Brunswick
TELOW of Lewiston
MARTIN of Van Buren
STEVENS of Bangor

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

Signed:

Representatives: ARMSTRONG of Wilton
HILLOCK of Gorham
BAKER of Orrington

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

Which Reports were READ.

The Majority OUGHT TO PASS Report ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator HICHENS for the Joint Select Committee on VOCATIONAL EDUCATION on Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency)

S.P. 860 L.D. 2174

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-465).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-465) READ and ADOPTED.

The Bill 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:

Representatives: WILLEY of Hampden
WEYMOUTH of West Gardiner
WEBSTER of Cape Elizabeth

Ought to Pass in New Draft under New Title

Senator BLACK for the Committee on LABOR on Bill "An Act to Maintain Unemployment Offices" S.P. 935 L.D. 2344

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Maintain the Sanford Unemployment Office" (Emergency) S.P. 942 L.D. 2360

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.

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464) Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-464) READ and ADOPTED.

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

SECOND READERS

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

House

Resolve, Authorizing the Sale of Certain Public Reserved Lands in Winterville Plantation H.P. 1626 L.D. 2294

Bill "An Act Extending the Boundaries of the Gray Water District to Include the Entire Town" H.P. 1664 L.D. 2342

Bill "An Act to Amend the Law Giving Protection to Shareholders in Maine Corporations" H.P. 1669 L.D. 2353

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

House As Amended

Bill "An Act to Improve Child Welfare Services in Maine" H.P. 1588 L.D. 2233 (C "A" H-653)

Divided Report

The Majority of the Committee on UTILITIES on Bill "An Act to Establish a Universal Telephone Service Program"

S.P. 930 L.D. 2317

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-464).

Signed:

Senators: WEBSTER of Franklin
BALDACCI of Penobscot
ANDREWS of Cumberland

Representatives: PARADIS of Old Town
CLARK of Millinocket
RICHARD of Madison
NICHOLSON of South Portland
MCHENRY of Madawaska
BAKER of Portland
VOSE of Eastport

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

Senate

Bill "An Act to Define Terms in the Manufactured Housing Zoning Law"

S.P. 738 L.D. 1891

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.

ORDERS OF THE DAY

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

Bill "An Act to Improve the Marketing of Milk in Maine"

S.P. 939 L.D. 2352

Tabled - April 9, 1986, by Senator CLARK of Cumberland.

Pending - Motion of Senator HICHENS of York to RECONSIDER INDEFINITE POSTPONEMENT of Bill and Accompanying Papers

(In Senate, April 9, 1986, READ A SECOND TIME. Subsequently Bill and Accompanying Papers INDEFINITELY POSTPONED.)

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

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate. I urge you to support reconsideration of this Bill. The Maine Milk Commission, as I am sure all of you are aware, particularly the ones that have been here for a long time, has almost become a patch work, the hole that have been shot in it, the patches and bandages that had to be applied. The Commission is on very shaky ground. This Bill would start off afresh for the new law, if passed, to put the Maine Milk Commission on more secure ground.

It would also do something else. This theoretically model dairy that I have spoken to you about, takes the so called cat off the Commission's back and puts it on the dairy's back. With the price set, based on efficient dairies cost, any dairy or group that questioned that price could and should, but they would have to open their books, they would have to be proved that the price should be changed as they requested. What it would do is add a little strength to the Milk Commission, it would breathe a little extra life into the Milk Commission, and it would postpone the time that your farmers would have to survive on the Federal order. Thank you.

On motion by Senator HICHENS of York supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator HICHENS of York to RECONSIDER INDEFINITE POSTPONEMENT of Bill and Accompanying Papers.

A vote of Yes will be in favor of motion to Reconsider Indefinite Postponement.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator CLARK of Cumberland who would have voted Yea requested and received permission to pair her vote with Senator DIAMOND of Cumberland who would have voted Nay.

Senator VIOLETTE of Aroostook who would have voted Nay requested and received permission to pair his vote with Senator BALDACCI of Penobscot, who would have voted Yea.

Senator MAYBURY of Penobscot who would have voted Yea requested and received permission to pair her vote with Senator WEBSTER of Franklin who would have voted Nay.

Senator SHUTE of Waldo who would have voted Nay requested and received permission to pair his vote with Senator BLACK of Cumberland who would have voted Yea.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BROWN, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, SEWALL, STOVER,

NAYS: Senators, BERUBE, BUSTIN, CARPENTER, CHALMERS, HICHENS, MATTHEWS, MCBREAIRTY, PEARSON, PERKINS, TUTTLE, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, NAJARIAN, TRAFTON, USHER

EXCUSED: Senator DUTREMBLE

11 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, 1 Senator being excused and 8 Senators having paired their votes, the motion of Senator HICHENS of York to RECONSIDER INDEFINITE POSTPONEMENT of Bill and Accompanying Papers, FAILS.

Sent down for concurrence.

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

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

Off Record Remarks

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

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)

Tabled - April 4, 1986, by Senator VIOLETTE of Aroostook.

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 HOUSE AMENDMENT "A" (H-625).)

On motion by Senator VIOLETTE of Aroostook, Senate Amendment "A" (S-466) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. Just for the information of the Body, the amendment just removes a section that would have treated foreign employees who work in Maine and fall under the Workers' Compensation Statutes, the same way that it treats Maine employees. Thank you.

On motion by Senator VIOLETTE of Aroostook, Senate Amendment "A" (S-466) ADOPTED.

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

Sent down for concurrence.

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

On motion by Senator PEARSON of Penobscot RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

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

SECOND READERS

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

House

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

Bill "An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies"

H.P. 1598 L.D. 2251

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

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

SECOND READERS

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

Senate

Bill "An Act to Maintain the Sanford Unemployment Office" (Emergency)

S.P. 942 L.D. 2360

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency)
S.P. 860 L.D. 2174
(C "A" S-465)

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

S.P. 930 L.D. 2317
(C "A" S-464)

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

Sent down for concurrence.

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

ENACTORS

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

An Act to Authorize Temporary Licenses to Operate Family Foster Homes

S.P. 885 L.D. 2230

An Act to Create the Maine Liquor Liability Act
H.P. 1478 L.D. 2080
(C "A" H-635)

(See Action Later Today)

An Act Relating to Liquor Excise Taxes and Freight Rates and Making Other Changes in the Liquor Laws

H.P. 1646 L.D. 2323
(S "A" S-461)

(See Action Later Today)

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

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 Enhance the Sound Use and Management of Maine's Coastal Resources"
S.P. 855 L.D. 2167
(C "A" S-456)

In Senate April 4, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456).

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456) AND HOUSE AMENDMENT "A" (H-665) in NON-CONCURRENCE.

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

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

ENACTORS

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

Emergency

An Act to Provide for Development of a State Low-level Radioactive Waste Facility if Necessary
S.P. 892 L.D. 2242

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Resolve

Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees
S.P. 934 L.D. 2343

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1986

H.P. 1657 L.D. 2335

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

ENACTORS

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

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

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1986

H.P. 1658 L.D. 2336

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome" (Emergency)

S.P. 818 L.D. 2063

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

S.P. 943 L.D. 2367

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency)

H.P. 1649 L.D.2326

In Senate, April 7, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-673) in NON-CONCURRENCE.

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

Non-concurrent Matter

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 (H "A" H-643)

In Senate, April 7, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-643), in concurrence.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-643) AND "B" (H-669) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 Permit Transmission of Electricity Between Affiliated Industrial Enterprises and to Study Power Purchases and Other Aspects of Transmission of Electrical Energy through the State" H.P. 1656 L.D. 2327

In Senate, April 7, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-668) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Off Record Remarks

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

ENACTORS

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

Resolve

Resolve, to Protect Against Property Tax Losses Resulting from Transfers under Provisions of Certain Land Trust Transfers

H.P. 1633 L.D. 2305

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

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

ORDERS

Joint Resolution

On motion by Senator ANDREWS of Cumberland (Cosponsored by: Senator TUTTLE of York, Representative GWADOSKY of Fairfield, Representative ERWIN of Rumford) the following Joint Resolution:
S.P. 944

JOINT RESOLUTION REQUESTING THE JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT TO STUDY THE FINDINGS AND RECOMMENDATIONS OF THE JOINT SELECT COMMITTEE THAT STUDIED THE SHOE INDUSTRY

WHEREAS, the mature industries in the State which have been a very significant component of the Maine economy in previous decades and which are currently experiencing serious difficulties resulting from imports, management and marketing problems and the changing national economy; and

WHEREAS, the Joint Select Committee to Study the Shoe Industry examined mature industries and found that these industries, with the precise type of assistance that they require, have the potential to be a very important and healthy part of the Maine economy; and

WHEREAS, the Joint Select Committee to Study the Shoe Industry reviewed various approaches to economic development in Maine and concluded that a state economic development strategy that includes assistance to mature industries is necessary to the future growth of the state economy; and

WHEREAS, the Joint Select Committee to Study the Shoe Industry proposed several major types of assistance as a means to invigorate mature industries to include a Center for Mature Industries, a Maine Industrial Advisory Board, a new focus for the State Development Office and the establishment of a Business Advocate to represent the interests of business; and

WHEREAS, the Joint Select Committee to Study the Shoe Industry recommended the creation of a legislative Joint Standing Committee on Industry and Commerce commencing with the First Regular Session of the 113th Legislature; and

WHEREAS, these proposals may also have a very significant impact upon other types of industry and enterprise in Maine; and

WHEREAS, economic development assistance programs in the State need to be consistent and compatible with a development strategy; and

WHEREAS, the Joint Select Committee on Economic Development has been established to review economic development programs in the State with the objective to bring a consistent, focused direction to economic development efforts in the State; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, recommend and request the Joint Select Committee on Economic Development to study the findings and recommendations of the Joint Select Committee to Study the Shoe Industry proposed in that select committee's report and in legislative document 2015 presented by the select committee to the Second Regular Session of the 112th Legislature; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Joint Select Committee on Economic Development and to the members of the Joint Select Committee to Study the Shoe Industry.

Which was READ.

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

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. The Joint Resolution that is before us, at this moment, is the result of work that was done by the Joint Standing Committee on State Government in reviewing the work of the Joint Select Committee to study the shoe industry.

That Committee, under the leadership of the good Senator from York, Senator Tuttle, did a tremendous job in identifying, not only problems facing the shoe industry that has systematic problems in our economy, but also systematic problems that are facing a variety of what are known as mature industries. Those traditional manufacturing type of industries that have really been the backbone of the economy and economic development in this State for some time and have employed thousands and thousands of Maine people. The Committee came up with a series of very strong comprehensive and broad recommendations for change and the Committee took a look at those recommendations, we discussed them.

As you all recall, this Legislature has established the Joint Select Committee on Economic Development, a Committee that is charged with taking a comprehensive look at all aspects of the Maine economy and hammering out what we think is a reasonable and sensible approach to an economic development policy for Maine. We all have support for economic development, needless to say, but what one person means by economic development could be far different from what another person means by economic development. We have so many different functions of State Government going on at one time, that have an effect on economic development. We feel that it is very important that the State Government as a whole begin to nail down a comprehensive strategy for economic development and integrate all the various functions of State Government around that strategy. What we have asked the Joint Select Committee to study the shoe industry to do is to work with that Select Committee on economic development in developing that comprehensive policy.

What this resolution does is that it asks that new Joint Select Committee, when it begins it's work, to take a very close and hard look at the very good work that was done by that Select Committee and to integrate into it's discussions and considerations the recommendations made by that Select Committee. What is important is that Select Committee took an additional step beyond one particular industry and took a broader look at the economy in general. We would like to recognize, and I would like to publicly recognize on the floor of the Senate, the tremendous work that was done by that Committee, commend to all of us that study, so we can take a look at what they have learned and integrate that into our considerations of future economic development policy questions, but specifically for the Joint Select Committee on Economic Development to not just put that study aside, but to look at it very closely and integrate that into it's work as it comes up with recommendations for us for the next session of the Legislature in developing a comprehensive State economic development strategy. Thank you very much.

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

Senator TUTTLE: Mr. President and Members of the Senate. I would like to thank the good Senator from Cumberland, Senator Andrews, and the State Government Committee for their kind comments and all of the help that they gave us over the course of the year.

I particularly would like to thank Senator Emerson and Senator Gauvreau who spent their time working on this issue with us, sometimes the Committee would meet all day and it really was a tremendous effort on the part of the Members of the Committee. A lot of times when you get involved with study committees, you don't know actually what you are going to accomplish, but I can honestly say that some of the issues that we address are hopefully going to affect the economic development strategy for the State of Maine and help all of the citizens in Maine in future years to come.

The Shoe Committee found a major misconception of the shoe industry, as a dead industry, and that is not true. Shoes in general are a declining industry in the United States due to competition from abroad, which is better by the strong dollar. This is a very different thing, it is not a hopeless situation, but one that requires the know how and the weapon for competition. How you compete is the principle of having a better and a more meaningful product. This is what Maine companies must learn and this is what, in the mid 80's, other states are taking a very active role in teaching. Financing is not the major issue, the key is good management and marketing. I feel, and many others agreed, that the time has come to stop studying these issues and to act on them and we feel this resolution is an excellent blueprint of this action.

Which was ADOPTED.

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Define Terms in the Manufactured Housing Zoning Law"
S.P. 738 L.D. 1891

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

Pending - PASSAGE TO BE ENGROSSED

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

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

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

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, March 20, 1986, PASSED TO BE ENGROSSED.)

(In House, March 24, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-596) in NON-CONCURRENCE.)

(In Senate, March 24, 1986, RECEDED and CONCURRED. Subsequently, RECONSIDERED RECEDING and CONCURRING.)

On motion by Senator CLARK of Cumberland the Senate RECEDED from PASSAGE TO BE ENGROSSED.

House Amendment "A" (H-596) READ.

On further motion by same Senator, Senate Amendment "A" (S-467) to House Amendment "A" (H-596) READ and ADOPTED.

House Amendment "A" (H-596) as Amended by Senate Amendment "A" (S-467), thereto ADOPTED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-468) READ and ADOPTED.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CLARK: Thank you Mr. President. L.D. 2231 is a Bill which will recodify the Maine Retirement Statute, and I was the Chair of the sub-committee for the Committee on Aging, Retirement and Veterans that studied that issue with the help and the great assistance of our Legislative Assistant, the Director and Members of the Maine State Retirement System and the Board of Trustees, the Maine Municipal Association, the Maine Teacher's Association, and the Maine State Employees Association and not the least the Maine Retired Employees Association, under the leadership of a former officer of the Legislature, Bill Garside.

These two amendments, which I have offered this morning, are a composition, actually a collection, of the Legislative work of this Session of the Joint Standing Committee on Aging, Retirement and Veterans, and melting what we have done in this Session, into the recodification, so that we don't have to wait and do it in the 113th Maine Legislature. Thank you Mr. President.

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

Sent down for concurrence.

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

An Act to Strip Crime of its Profit
S.P. 847 L.D. 2139
(H "B" H-591)

Tabled - April 8, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 941.)

(In Senate, April 8, 1986, RECONSIDERED PASSAGE TO BE ENACTED.)

On motion by Senator CLARK of Cumberland the Senate SUSPENDED THE RULES.

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

On further motion by the same Senator, Senate Amendment "A" (S-469) READ and ADOPTED.

Senate at Ease

Senate called to order by the President.

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

Sent down for concurrence.

On motion by Senator KERRY of York RECESSED until 5 o'clock in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 927 L.D. 2314

In Senate, April 7, 1986, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-672) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Permit a Guilty but Mentally Ill Verdict in a Criminal Case"

H.P. 1467 L.D. 2069

Bill "An Act to Create the Agricultural Suppliers Insurance Program" (Emergency)

H.P. 1653 L.D. 2331

Senator CLARK of Cumberland requested and received Leave of the Senate to allow the Gentlemen of the Senate to remove their jackets for the remainder of the 112th Second Regular Session of the Maine Legislature.

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1986 and Authorizing the County to Raise up to \$700,000 for Jail Renovations (Emergency)

H.P. 1682 L.D. 2369

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.

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

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Restore Retirement Credit to Employees Previously Receiving such Credit"

H.P. 1642 L.D. 2320

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-663).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-663) READ and ADOPTED, in concurrence.

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

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the ATV Laws" (Emergency)
H.P. 1583 L.D. 2229

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-622).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-622).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

Senator PEARSON: Mr. President, I would like to ask somebody, briefly, to explain to me what this does.

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

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, in regards to the question, I would wonder whether the answer is directed to the entire legislation, or the amendment. I don't know if I want to spend a great deal of time discussing the all encompassing Bill of ATV's, but I would be happy to, if so needed.

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: I am certainly not asking you to tell me every item of the Bill, I know that is ridiculous. I am just trying to figure out if this is a thing that is an attempt to make ATV's more responsible by restricting them, if it is a licensing increase or what every it might be.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. This Bill is a result of a study, it is a result of five or six proposed changes in ATV laws that were before the Committee last session. It is very all encompassing, it requires helmets on people who drive ATV's. It increases the age on people who drive ATV's. It requires license plates on the front and back and many other changes in the current law. It is a unanimous report supported by the entire Committee and we feel that it is going to be a difficult issue to deal with, but we feel that it will hopefully address the concerns of those of us who live in rural Maine and are affected so adversely by ATV's.

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

Senator PEARSON: Mr. President, I thank the Senator from Franklin very much. There has been a lot of concern in my area about ATV's and the uncontrolled use of them. I just haven't had time to keep up with it, and I appreciate the explanation.

Committee Amendment "A" (H-622) READ and ADOPTED, in concurrence.

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

Ought To Pass in New Draft

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Strengthen the Organization of Emergency Medical Services"

H.P. 1576 L.D. 2223

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

H.P. 1671 L.D. 2356

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Correct Eligibility Requirements for Licensure as a Master Electrician" (Emergency)
H.P. 1547 L.D. 2186

Reported that the same Ought to Pass in New Draft under same title (Emergency).
H.P. 1673 L.D. 2358

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on STATE GOVERNMENT on Bill "An Act to Authorize the Payment of Retention and Recruitment Stipends in State Government"
H.P. 1446 L.D. 2040

Reported that the same Ought to Pass in New Draft under same title (Emergency).
H.P. 1676 L.D. 2362

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 UTILITIES on Bill "An Act to Fairly Apportion the Cost of New Water Utility Services" (Emergency)
H.P. 1236 L.D. 1745

Reported that the same Ought to Pass in New Draft under same title (Emergency).
H.P. 1674 L.D. 2359

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.

Ought to Pass in New Draft under New Title

The Committee on TAXATION on Bill "An Act Enabling Towns to Establish Municipal Land Banks"
H.P. 1607 L.D. 2266

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide for a Study of Municipal Land Banks"
H.P. 1675 L.D. 2361

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on UTILITIES on Bill "An Act to Fairly Apportion the Cost of Water System Extensions and Expansions" (Emergency)
H.P. 1238 L.D. 1747

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Fairly Apportion the Cost of Water System Extensions or Service Lines" (Emergency)
H.P. 1672 L.D. 2357

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Off Record Remarks

Divided Report

The Majority of the Committee on BUSINESS AND COMMERCE on Bill "An Act to Establish the Maine Workers' Compensation Reinsurance Association" H.P. 1560 L.D. 2199

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-656).

Signed:

- Senators: BUSTIN of Kennebec KERRY of York
Representatives: STEVENS of Bangor BRANNIGAN of Portland TELOW of Lewiston MARTIN of Van Buren MURRAY of Bangor RYDELL of Brunswick

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

Signed:

- Senator: SEWALL of Lincoln
Representatives: BAKER of Orrington HILLOCK of Gorham ARMSTRONG of Wilton ALIBERTI of Lewiston

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656).

Which Reports were READ.

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

Senator SEWALL: Mr. President. I move that we accept the Majority Ought to Pass Report, the way I signed the Bill, not the way it is printed, here.

THE PRESIDENT: The Chair would inform the Senator from Lincoln, Senator Sewall, her signature appears on the Minority Ought Not to Pass Report.

On motion by Senator SEWALL of Lincoln, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-656) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Improve Compliance with Maine Tax Laws" H.P. 1511 L.D. 2131

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-650).

Signed:

- Senators: DIAMOND of Cumberland TWITCHELL of Oxford EMERSON of Penobscot
Representatives: MAYO of Thomaston NELSON of Portland TARDY of Palmyra MCCOLLISTER of Canton CASHMAN of Old Town SWAZEY of Bucksport

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

Signed:

- Representatives: INGRAHAM of Houlton ZIRNKILTON of Mount Desert WEBSTER of Cape Elizabeth JACKSON of Harrison

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-650) READ and ADOPTED, in concurrence.

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

Senate

Ought to Pass As Amended

Senator KERRY for the Committee on BUSINESS AND COMMERCE on Bill "An Act to Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking" S.P. 836 L.D. 2125

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-470).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-470) READ and ADOPTED.

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

SECOND READERS

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

Senate

Bill "An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome" (Emergency) S.P. 943 L.D. 2367

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

Sent down for concurrence.

ENACTORS

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

An Act Providing for the 1986 Amendments to the Finance Authority of Maine Act

H.P. 1489 L.D. 2105
(H "A" H-638 to C "A" H-613)

An Act to Provide for a Study of Excise Taxes on Watercraft

H.P. 1648 L.D. 2325

(See Action Later Today)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize Additional Facilities for Long-term Care" S.P. 913 L.D. 2280

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED:

An Act to Provide for a Study of Excise Taxes on Watercraft

H.P. 1648 L.D. 2325

(In Senate, April 10, 1986, PASSED TO BE ENACTED, in concurrence.)

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

On further motion by same Senator, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

ORDERS OF THE DAY

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

Bill "An Act to Maintain the Sanford Unemployment Office" (Emergency)

S.P. 942 L.D. 2360

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

Pending - PASSAGE TO BE ENGROSSED

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

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED.

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

Bill "An Act to Enhance the Sound Use and Management of Maine's Coastal Resources"

S.P. 855 L.D. 2167
(C "A" S-456)

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

Pending - FURTHER CONSIDERATION

(In Senate, April 4, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456).)

(In House, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456) AND HOUSE AMENDMENT "A" (H-665) in NON-CONCURRENCE.)

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

House Amendment "A" (H-665) READ.

On further motion by same Senator, House Amendment "A" (H-665) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-471) READ and ADOPTED.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency)

H.P. 1649 L.D.2326

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

Pending - FURTHER CONSIDERATION

(In Senate, April 7, 1986, PASSED TO BE ENGROSSED, in concurrence.)

(In House, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-673) in NON-CONCURRENCE.)

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

Senator BROWN: Mr. President, I would like to ask a question concerning this Bill. There has been some discussion about this particular Bill, in that we are repealing a law that was passed recently, which was bringing in about eight hundred thousand dollars a year. I wish someone could explain why we are taking this action at this time.

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

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

HELD BILL

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

Senator TRAFTON: Mr. President, is the Senate in possession of L.D. 2080?

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

On motion by Senator TRAFTON of Androscoggin, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED:

An Act to Create the Maine Liquor Liability Act
H.P. 1478 L.D. 2080
(C "A" H-635)

(In Senate, April 10, 1986, PASSED TO BE ENACTED, in concurrence.)

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

THE PRESIDENT: The Chair recognizes the same Senator.

Senator TRAFTON: Mr. President, I rise to speak briefly to further explain the Legal Affairs rationale, the recovery against licensees and social hosts in the area of liquor liability. The Legal Affairs Committee conducted a six month study on the problems of liquor liability and it became quite clear, during the study, that the insurance situation for licensees and servers has reached a serious point. For many licensees it is not possible to obtain liquor liability insurance at all and in those cases where insurance is still available it has become prohibitively expensive. As a result, most of our licensees are now operating without any liquor liability insurance at all. The Committee concluded that if legislative action were not taken, more and more of Maine's inns and restaurants would be forced to continue to operate without liquor liability insurance. The practical consequences of this are extremely serious. The first, the owners of those establishments, are subject to catastrophic losses which a single occurrence can wipe out a lifetime of work in savings.

Secondly, and perhaps more importantly. If our licensees continue to operate without liquor liability insurance, the remedies available to those injured by intoxicated persons will be extremely limited as a practical matter, because many licensees will not have the resources necessary to pay off the substantial Dram Shop claim. Thus, under the present situation, we have the worst of both worlds.

The Joint Standing Committee on Legal Affairs feels that the passage of this legislation will help to insure that the liquor liability insurance is available to help protect the owners of Maine's inns and restaurants, and also to help compensate injured parties in alcohol related accidents. With this statement, Mr. President, I would encourage the Senate to vote for Enactment of this Bill.

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

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. 2323?

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

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

An Act Relating to Liquor Excise Taxes and Freight Rates and Making Other Changes in the Liquor Laws
H.P. 1646 L.D. 2323
(S "A" S-461)

(In Senate, April 10, 1986, PASSED TO BE ENACTED, in concurrence.)

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

On further motion by same Senator, Tabled 1 Legislative Day, pending ENACTMENT.

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

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 Establish a Piscataquis County Budget Committee"

S.P. 936 L.D. 2345

In Senate April 7, 1986, PASSED TO BE ENGROSSED.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-677) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend Rule-making Provisions in the Maine Administrative Procedure Act"

H.P. 1663 L.D. 2341

In Senate, April 8, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-666) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

ENACTORS

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

Emergency

An Act Authorizing the Acceptance of Federal Block Grants and Making Allocations from the Federal Block Grants for the Expenditures of State Government

H.P. 1659 L.D. 2337

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Insure the Rights of the Staff of the Projects Serving Preschool Handicapped Children and Other Preschool Teachers Employed by Public Schools to Receive Maine State Retirement

H.P. 1662 L.D. 2340

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

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

SECOND READERS

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

House

Bill "An Act to Strengthen the Organization of Emergency Medical Services"

H.P. 1671 L.D. 2356

Bill "An Act to Correct Eligibility Requirements for Licensure as a Master Electrician" (Emergency)

H.P. 1673 L.D. 2358

Bill "An Act to Authorize the Payment of Retention and Recruitment Stipends in State Government" (Emergency)

H.P. 1676 L.D. 2362

Bill "An Act to Fairly Apportion the Cost of New Water Utility Services" (Emergency)

H.P. 1674 L.D. 2359

Bill "An Act to Fairly Apportion the Cost of Water System Extensions or Service Lines" (Emergency)

H.P. 1672 L.D. 2357

Bill "An Act to Provide for a Study of Municipal Land Banks"

H.P. 1675 L.D. 2361

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Amend the ATV Laws" (Emergency)

H.P. 1583 L.D. 2229
(C "A" H-662)

Bill "An Act to Restore Retirement Credit to Employees Previously Receiving such Credit"

H.P. 1642 L.D. 2320
(C "A" H-663)

Bill "An Act to Establish the Maine Workers' Compensation Reinsurance Association"

H.P. 1560 L.D. 2199
(C "A" H-656)

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Improve Compliance with Maine Tax Laws"

H.P. 1511 L.D. 2131
(C "A" H-650)

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

Senate

Bill "An Act to Authorize Additional Facilities for Long-term Care"

S.P. 913 L.D. 2280

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking"

S.P. 836 L.D. 2125
(C "A" S-470)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency

An Act to Expand the Maine Conservation Corps
H.P. 1251 L.D. 1761
(S "A" S-460 to C "A"
H-524)

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

Emergency

An Act Establishing a Commission to Implement
Computerization of Criminal History Record
Information
H.P. 1627 L.D. 2295
(H "B" H-660; S "A"
S-454)

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

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

ENACTORS

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

Emergency

An Act Making Allocations from the Highway Fund
and Other Funds for the Expenditures of State
Government and Changing Certain Provisions of the Law
Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 1986,
and June 30, 1987
H.P. 1666 L.D. 2346

This being an Emergency Measure and having
received the affirmative vote 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, was PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency Resolve

Resolve, Ratifying Washington County's Use of
Unappropriated Surplus to Pay Deficits
H.P. 1572 L.D. 2222
(C "A" H-647)

This being an Emergency Measure and having
received the affirmative vote of 29 Members of the
Senate, with No Senators having voted in negative,
and 29 being more than two-thirds of the entire
elected Membership of the Senate, was FINALLY
PASSED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

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

ENACTORS

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

Emergency Resolve

Resolve, to Establish a Commission to Examine
Problems of Tort Litigation and Liability Insurance
in Maine
H.P. 1624 L.D. 2289
(H "B" H-655)

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:

ENACTORS

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

An Act to Modify and Update Certain Laws
Pertaining to Inland Fisheries and Wildlife
S.P. 916 L.D. 2286
(H "B" H-652; H "C"
H-654)

An Act to Clarify the Separation of Juveniles
from Adults when Juveniles are Detained in County
Jails
S.P. 933 L.D. 2334

An Act Concerning Nursing Staffs in Nursing Homes, Staff Ratios, Reimbursement, Policies and Delegation of Duties

S.P. 937 L.D. 2350

An Act to Incorporate the Annual Review of Fee Schedules for Providers under the Medical Assistance Program into the Annual Medicaid Report

S.P. 938 L.D. 2351

An Act to Amend Watercraft Excise Tax Laws

H.P. 1431 L.D. 2022
(C "A" H-649)

An Act Concerning State Contribution to Pollution Abatement

H.P. 1469 L.D. 2071
(S "A" S-463 to S "A" S-389; H "B" H-614 to H "A" H-540)

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 Providing for the Lease of Unused Space or Facilities Owned by the State

S.P. 917 L.D. 2291
(H "A" H-636; H "A" H-661 to H "B" H-645)

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

An Act to Amend the Regulation of the Practice of Nursing

S.P. 816 L.D. 2061
(C "A" S-458)

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

Senator BROWN: Thank you Mr. President and Members of the Senate. This is an act to amend the regulation of the practice of nursing and it went through first and second reading without any discussion whatsoever, and does come with an amendment. This is a very extensive document and affects a great number of all of our constituents. It would seem to me, important that someone that is familiar with this Bill, to explain what it does for those L.P.N.'s who reside in our communities, and those R.N.'s who are diploma nurses but are not Bachelor Degree nurses. What does this mean for them? Thank you Mr. President.

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

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be happy to respond to the good Senator from Washington, Senator Brown. The purpose of L.D. 2061, is to update the law under which nurses presently practice and to identify future goals for nursing education. At the present time, nursing, unlike other professions, does not have a set of uniform academic requirements. Nurses, presently, may be L.P.N.'s educated in the V.T.I. system, or R.N.'s who have completed three year diploma programs in hospitals, or two year associate degree programs, or four year Baccalaureate Degree programs in colleges and universities. They are all called R.N.'s.

This has created confusion for the student interested in a nursing career. It has also served as a deterrent to delivering the most cost effective nursing care. R.N.'s, presently take the same licensing exam and have educational background that vary in both length and subject matter. In a survey of eighteen professionals, licensed in Maine, from Architects, Chiropractors, Pharmacist, Social Workers, and Occupational Therapists to Speech Pathologists, it was found that professional nurses are the only deliverer of services not required to have at least a Bachelors Degree.

Maine consumers have a right to expect the educational level of the professional nurse is at least at the other level of other health professionals. In some ways, changes have already started to occur in the delivery of nursing education. The three year, hospital base diploma program for instance, is no longer an option for Maine's students. Between 1936 and 1967, 24 diploma schools in Maine have closed and the 2 still in existence have announced plans to accept no more students. The amendment to the Bill establishes a two step process. The change in educational requirements for the two levels of nursing practice. Step one, establishes a Commission to monitor accessibility to the associate degree and baccalaureate nursing education through the State to study factors relating to the supply of available nurses and to make a determination regarding supply before changes are implemented in nursing education requirements. The funds from the study will come from dedicated revenue from the nurses licensure fees. Step two, will require additional legislation to implement two levels of nursing education and it is anticipated that legislation will be introduced in 1990.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. Tonight, I would just ask that when we vote on this issue that we have a Division. It is my feeling that with every nurse that I have spoken to, except for one, has been concerned about the need for this legislation.

I want to thank the good Senator from Kennebec for giving us her explanation, I think she has done a fine job, but it is my feeling that this Bill is unnecessary, it is something that we are fixing that isn't broken, and I would ask for a Division so that I may vote against it. Thank you.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A Division has been requested.

Will all those Senators in favor of Enactment, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 6 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.

Off Record Remarks

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 Provide Funds for the Teacher of the Year Program"

H.P. 1517 L.D. 2146
(C "A" H-646)

In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646) AND HOUSE AMENDMENT "A" (H-676) in NON-CONCURRENCE.

On motion by Senator BROWN of Washington, the Senate ADHERED in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator VIOLETTE, to the Rostrum where he assumed the duties as President Pro Tem.

The President Retired from the Senate Chamber.

The Senate called to order by the President Pro Tem.

Non-concurrent Matter

Bill "An Act to Authorize a Bond Issue for Androscoggin County to Raise Funds for Renovations to the County Building and County Jail"
H.P. 1660 L.D. 2338

In Senate, April 7, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-674) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

H.P. 1548 L.D. 2187

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

H.P. 1670 L.D. 2355

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-675).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-675) READ and ADOPTED, in concurrence.

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

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

ENACTORS

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

An Act to Amend the Annual Operating-under-the-influence Report
H.P. 1571 L.D. 2221
(C "A" H-651)

An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles
H.P. 1643 L.D. 2316
(H "A" H-659)

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

An Act to Prohibit a Doe Permit System until February 1, 1987
H.P. 1470 L.D. 2073
(C "A" H-630)

Senator BROWN of Washington moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BROWN of Washington to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

Will all those Senators in favor the the motion to Indefinitely Postpone the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

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

9 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator BROWN of Washington to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILS.

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

An Act Relating to Place of Payment of Motor Vehicle Excise Tax on Leased Vehicles
H.P. 1647 L.D. 2324

On motion by Senator DOW of Kennebec, placed on the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

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

COMMITTEE REPORTS

House

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

Reported that the same Ought to Pass in New Draft under same title.
H.P. 1678 L.D. 2364

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 TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Relating to Retirement Benefits for Confidential State Employees"
H.P. 1558 L.D. 2197

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

H.P. 1680 L.D. 2366

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 TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought To Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act to Authorize Police Officers to Prosecute Minor Violations in the Enforcement of Municipal Ordinances"

H.P. 1587 L.D. 2236

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Authorize Certified Law Enforcement Officers to Prosecute Violations of Municipal Ordinances"

H.P. 1677 L.D. 2363

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on UTILITIES on Bill "An Act Increasing the Indebtedness of the Dover and Foxcroft Water District" (Emergency)

H.P. 1177 L.D. 1672

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Consolidate the Charter and Increase the Debt Limit of the Dover and Foxcroft Water District" (Emergency)

H.P. 1679 L.D. 2365

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on STATE GOVERNMENT on Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Legislative Veto over Agency Rules

H.P. 1579 L.D. 2228

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-664).

Signed:

Senator: HICHENS of York

Representatives: COTE of Auburn
BOUTILIER of Lewiston
DESCOTEAUX of Biddeford
LACROIX of Oakland
HICHBORN of LaGrange
GWADOSKY of Fairfield
DILLENBACK of Cumberland
WENTWORTH of Wells
SPROUL of Augusta
NADEAU of Saco

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

Signed:

Senators: KERRY of York
ANDREWS of Cumberland

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664).

Which Reports were READ.

On motion by Senator ANDREWS of Cumberland the Minority OUGHT NOT TO PASS Report ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Divided Report

Seven Members on the Committee on BUSINESS AND COMMERCE on Bill "An Act Relating to Handling Fees and Unredeemed Deposits in the Returnable Container Law" (Emergency)

H.P. 1492 L.D. 2103

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

H.P. 1667 L.D. 2348

Signed:

Senator: BUSTIN of Kennebec

Representatives: RYDELL of Brunswick
STEVENS of Bangor
MURRAY of Bangor
MARTIN of Van Buren
BRANNIGAN of Portland
ARMSTRONG of Wilton

Five Members of the Same Committee on the same subject reported in Report B that the same Ought Not to Pass.

Signed:

Senator: KERRY of York

Representatives: HILLOCK of Gorham
ALIBERTI of Lewiston
TELOW of Lewiston
BAKER of Orrington

One Members of the Same Committee on the same subject reported in Report C that the same Ought to Pass in New Draft under same title.

H.P. 1668 L.D. 2349

Signed:

Senator: SEWALL of Lincoln

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

Senator BUSTIN of Kennebec, moved that the Senate ACCEPT Report A, OUGHT TO PASS IN NEW DRAFT Report in NON-CONCURRENCE.

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

Senator BALDACCI: Mr. President and Members of the Senate. I would like to pose a question through the Chair to any Member of the Committee. If they would please explain, very briefly, the difference in the three reports.

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be happy to answer the good Senator from Penobscot, Senator Baldacci's, question. Report A, which is the Majority Report, raises the handling fee 1/4 cent, requires the Department of Agriculture, from here on in, to set the handling fee using the Consumer Price Index. It also requires a report back of the float monies, or the amount of returnables that are never returned, the ones that the consumer never gets a nickel back on it. It is only a report. It does not require anything substantial from the Department, but they would be holding the usual APA hearing to set the handling fee from here on in. It does raise the handling fee 1/4 cent.

Report B, is the Ought Not to Pass Report, I think that speaks for itself. Report C, is the report that would raise the fee 1/4 cent, but would have the Department of Agriculture set the handling fee from here on in. But would use four different criteria for setting that handling fee, rather than the Consumer Price Index. It does not have the float report in it.

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

Senator CLARK: Thank you Mr. President, I would pose a question through the Chair to any Senator who would care to answer this question. My question is, in what respects is the Majority Ought to Pass Report in New Draft different from a measure that was introduced into the First Regular Session of this Legislature?

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: The Report that you have before you is the result of a study committee that we did this summer. It raises the 1/4 cent as the Bill did, but what the study does and what the Bill before you does, is it requires the Department of Agriculture to set that fee from now on, using the Consumer Price Index.

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

Senator CLARK: Thank you Mr. President, I am hesitant to debate this issue this evening, and I am sure that too many of you understand why I am standing in opposition to the pending motion of Accepting the Majority Ought to Pass in New Draft Report. For, in fact, the Majority Report of the Committee reflects a 1/4 cent increase in the handling fee of disposable beverage containers which come under the returnable beverage container law, which was passed in the middle of the 1970's. That was landmark legislation for the State of Maine and, indeed, it has worked well.

My concern is, one, how are we going to assess a 1/4 cent increase in the cost of the beverages which are contained in the returnable containers? It is my understanding that we don't have a 1/4 cent coin, in fact, if the returnable fee is increased 1/4 cent, that in fact, the cost of the beverages in our retail stores will probably go up between 1 cent and in some instances more than 1 cent. In most vending machines probably 5 cents. That would cost the consumers of this State at a 1 cent increase, approximately one million dollars, if in fact, the cost of the beverages went up to 5 cents to handle this 1/4 increase, consumers in the State of Maine would be paying up to six million dollars in increased costs for the beverages contained in those containers.

I feel a little derelict because it was probably my responsibility to introduce a measure into this Second Regular Session, and should I be fortunate enough to return to the 113th, you can be sure I am going to do it, in other words be on the ball for a change, that would eliminate the Legislative or State Government Agency or Department role in setting handling fees any time, any where. For indeed, this is an injustice that has been hung on the Legislative neck for countless Legislatures, since we passed the returnable container law. This is not the first study, but it is the least intensive study that ever surrounded the issue.

It is my understanding that the Committee, while they have a tremendously successful record in the 112th Maine Legislature, did in fact, spend more time, on perhaps more important things, and I think that they are to be commended for all of their outstanding work. But I share concern the same way I shared the same concern on this same issue, which has not changed substantively, when this issue was defeated in the First Regular Session of this 112th Maine Legislature.

It was a compromise, which many of us accepted, that the issue would go out to study, but it was my hope, in fact, we would come back with a resolution of the issue that would do more than automatically raise the cost of returnable beverage containers, automatically with any index.

The only logical, responsible recommendation would have been to, I would submit, eliminate this Legislatures' role in setting that fee. Eliminate it, let the market place prevail. Have returnable beverage container businesses flourished in the State of Maine? The answer "errr - here and there, a little bit" is like the third category of people who testify before our committees. In many instances they have flourished, some which have not been handled properly and had poor management policies and were located in geographic areas that did not merit their survival, and indeed, have gone by the wayside.

This Legislature never intended that we would support an industry through a thinly camouflaged subsidy that does not merit survival, does not in our free market economy, not in this Country. Who pays? The consumer pays, that is who pays.

We aren't addressing the distinction between those redemption centers, which sell the product that the containers of which they redeem, and those redemption centers whose sole survival depends only on receiving the used containers and are not engaged in selling the product. There is only a thin wall, not always so thin, sometimes cinder block thick, between the two of those businesses which sell the product on one side and then redeem the product on the other side. And that grand issue of float has not been directly addressed in the report that the Committee distributed, nor in the three reports that have emerged from this Committee.

The "Bottle Bill" as we call it so fondly, works well, it works just as well in 1986 as it did last year in 1985, when the Senate rejected the 1/4 cent increase. It is on that basis, Mr. President, that I move Indefinite Postponement of this Bill and All Accompanying Measures.

Senator CLARK of Cumberland moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers, in concurrence.

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

Senator BUSTIN: I request a Roll Call. I also would like to answer the good Senator from Cumberland, Senator Clark, if I can remember all of her points, and I realize that it is late and I have no more wish to debate this Bill tonight than anyone wants to listen, so I will make it as short as I can. I will refer you to the study report, it was on your desk, I suspect it is some where and if it is not, it is down in the library, you can get it. In fact, we did explore the float issue and, in fact, the only thing that I could get on one report, the Majority Report, was that we at least get a report back from the Agriculture Committee.

I couldn't agree with the good Senator from Cumberland, Senator Clark more. In my day, and I would hate to tell you how long ago that was, we went up and down the street picking up the bottles. I can remember taking them down to the store. I don't think we had a handling fee way back then. It didn't seem to be a big problem, but I will grant you, it really was us kids who went picking up the bottles. I don't know who picks them up now, but I suspect a lot of them are taken to the store by the parents of the kids that picked up the bottles way back then. Apparently, this Legislature, in its wisdom, decided that was what you needed, a handling fee.

I would have preferred that in our study, who have found out that we didn't need the handling fee, and that we could handle the return of these bottles in a different way. Apparently we can't, and I will read you only the conclusion of that report on page five. "The Committee concluded that the public policy in having a handling fee is sound, and therefore, a handling fee should continue. Redemption centers appear to be an important part of the bottle bill by filling a need, as well as the convenience of consumers.

The Committee concluded that some standard is needed in order to determine when an increase is needed. The Committee also concluded, that the Legislature is not the appropriate Body to set the handling fee." We have done the very best that we could with the Majority Report. I urge you to defeat this motion so we can get on with the passage of this Bill. Thank you.

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

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

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

The pending question before the Senate is the motion of Senator CLARK of Cumberland to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of Yes will be in favor of Indefinite Postponement of the Bill and Accompanying Papers.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CLARK, DOW, EMERSON, ERWIN, GILL, HICHENS, KERRY, MAYBURY, MCBREAIRTY, SEWALL, SHUTE, STOVER, TRAFTON, WEBSTER, THE PRESIDENT PRO TEM - PAUL E. VIOLETTE

NAYS: Senators, ANDREWS, BUSTIN, CARPENTER, CHALMERS, DIAMOND, GAUVREAU, PEARSON, PERKINS, PRAY, TWITCHELL, USHER

ABSENT: Senators, KANY, MATTHEWS, NAJARIAN, TUTTLE

EXCUSED: Senator DUTREMBLE

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, the motion by Senator CLARK of Cumberland to INDEFINITELY POSTPONE the Bill and Accompanying Papers, PREVAILS, in concurrence.

Senator CLARK of Cumberland moved that the Senate RECONSIDERED its action whereby it INDEFINITELY POSTPONED:

Bill "An Act Relating to Handling Fees and Unredeemed Deposits in the Returnable Container Law" (Emergency)

H.P. 1492 L.D. 2103

(In Senate, April 10, 1986, Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.)

(In House, April 10, 1986, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

Senator BUSTIN of Kennebec requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator CLARK of Cumberland to RECONSIDER INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator CLARK of Cumberland to RECONSIDER INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers, FAILS.

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation"

S.P. 757 L.D. 1921

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-472).

Which Report was READ and ACCEPTED.

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

Senator BALDACCI: Mr. President, I question whether or not there is a quorum in the Chamber.

THE PRESIDENT PRO TEM: An absence of a quorum has been suggested. The Chair notes the absence of a quorum.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center"

S.P. 822 L.D. 2082

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-473).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-473) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

A Quorum of Senators was called to the Chamber.

The Senate called to order by the President Pro Tem.

The Bill READ ONCE.

Committee Amendment "A" (S-472) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency)

S.P. 932 L.D. 2333

In Senate, April 7, 1986, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-681) in NON-CONCURRENCE.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

The Senate RECEDED and CONCURRED.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

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

Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency)
H.P. 1649 L.D.2326

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

Pending - FURTHER CONSIDERATION

(In Senate, April 7, 1986, PASSED TO BE ENGROSSED, in concurrence.)

(In House, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-673) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

On motion by Senator CLARK of Cumberland ADJOURNED until Friday, April 11, 1986, until 8:30 in the morning.