

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

In Senate Chamber
Friday
April 11, 1986

Majority Report - Ought Not to Pass.

Minority Report - Ought To Pass in New Draft
under same title.

S.P. 940 L.D. 2354

In Senate, April 8, 1986, the Majority OUGHT NOT
TO PASS Report READ and ACCEPTED.

Comes from the House the Minority OUGHT TO PASS
IN NEW DRAFT Report READ and ACCEPTED and the
Bill in NEW DRAFT PASSED TO BE ENGROSSED in
NON-CONCURRENCE.

Senator CARPENTER of Aroostook moved that the
Senate ADHERE.

Senator TWITCHELL of Oxford moved that the
Senate RECEDE and CONCUR.

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

Senator CARPENTER: Mr. President, Ladies and
Gentlemen of the Senate. I think this Bill has been
well discussed, not only here in the Chamber the
other night, but also in the hallway. It comes back
to us now in the same posture that it was before us
the last time when I argued, successfully, at that
time, that it was not a good Bill. It has not been
changed, it is in its exact form, to me incredibly
so. When I was last speaking to you about this Bill,
I raised concerns about the definition, the brand new
and unique definition, of medical malpractice. If I
can use a visual analogy, if you will look at my
hands, if this was the scope of medical malpractice
in this Country, and in this State for the last two
hundred years, if this was the scope and that is a
deviation from the norm of doctors in those
communities using under those same circumstances.
That is the only way you have been able to prove
medical malpractice in this Country for two hundred
years. Now the scope, under the new definition in
this Bill, is at least this broad. It is any tort.
If the Senator from Cumberland, Senator Andrews,
should be my client, or my patient as a doctor and
should be a dead beat and should fail to pay his bill
to me, no personal offense intended, and I should
call him slanderous things, should slander him, that
is a tort, under the law. That is now, in the
definition of medical malpractice, if you will look
at the definition in L.D. 2354. I was extremely
concerned about that, I spoke to one of the two
insurance companies that does malpractice insurance
in the State of Maine, and I would read to you just
simply from the last paragraph of the letter they
gave me. "Our current policy pricing would have no
relationship to the results, which probably would
occur from this definition, we would immediately have
to consider how and whether we could continue to
provide medical malpractice insurance in the State of
Maine and if so, at what rate levels." I urgently
request that this Bill not be passed. I think the
whole reason that this issue is before the
Legislature is that malpractice rates for especially
medical persons has gone through the ceiling.

Senate called to Order by the President.

Prayer by the Honorable Mary-Ellen Maybury of
Penobscot.

SENATOR MAYBURY: Good morning, let us join
together in the spirit of prayer. Dear Lord, we ask
that You grant us patience when listening, strength
when speaking, and courage when making decisions in
our personal and professional lives. Help us to
serve our State and it's people to the best of our
ability. Thank You for accepting our short comings.
Help us to carry out Your will, as we draw near the
end of this 112th Legislative Session, in Your name.
Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on
JUDICIARY on Bill "An Act to Establish Policies
Governing Medical Malpractice Claims"
S.P. 773 L.D. 1945

This Legislature, and particularly my Committee has attempted to deal with that issue. We have not held anything in Committee to try to play one against the other. We have worked feverishly to get a good and comprehensive Bill on the floor. It will be on the floor very shortly. In the mean time, we have this Bill before us and I would urgently request that you not expand the scope of medical malpractice, definitionally, in the State of Maine. Rather that you vote against the pending motion of Recede and Concur and vote with me to send this Bill on its way. Thank you.

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

Senator TWITCHELL: Thank you, Mr. President and Members of the Senate. The other day, in the other Body, this Bill came out 114 Ought to Pass, and those 114 people in the other Body spoke for the people which they represent. The 14 people, or most of those 14 people, who voted against this Bill were lawyers, and I think that would tell you something. The only reason why I put this Bill in, and am so charged up about this Bill, is because I have a doctor in my home town of Norway, that just packed up his bags and left because he was so discouraged with malpractice. I have three pediatricians up in my hospital and they won't be delivering babies anymore because they are fed up with malpractice and what might happen to them. It would mean that up in the rural area that some of my people there would have to travel all the way to Lewiston to see a pediatrician, and to travel to Lewiston to have their child, which is a hardship for many of them. I don't think that my Bill is that broad, I think it is probably this broad, and I think that it is a good Bill. It passed in several other states and is working well. I don't see why it couldn't pass here, at least it would be a start. I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you Mr. President and Members of the Senate. I would like to pose a question through the Chair to anyone who would care to answer it. I have had numerous individuals contact me regarding this issue, and I, too, have the same concerns that the good Senators have shared, about being able to keep a physician in an area. The question that I have, is does this proposed legislation have the potential of causing greater harm? In other words, if in fact, the cap is placed on there, could that allow people to start thinking of that as being a goal to strive toward in terms of a suit?

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. In response to Senator Brown's question, in my opinion, and in the opinion of some of the medical care field people who I have dealt with, and in the opinion of St. Paul Insurance at least, that is exactly the potential of this Bill. Probably it wasn't tactically a good move, but yesterday afternoon I went to some of the people who were supporting this Bill, and said to them, if they were going to support this Bill, the very least they ought to do is take care of that definition, because I quote again from the St. Paul letter. Senator Twitchell has indicated that this Bill has passed in other states. I don't know what the form is in other states, I understand that caps are passed in those states and other things, this was my understanding and I quote again, "this definition would be unique in the State of Maine." The definition is contrary to commonly accepted definitions in Maine and elsewhere. Specifically, and this is important. Remember, my talk about malpractice has always been, you don't get malpractice if you get bad results of a medical procedure, that is not malpractice. Bad results happen and you only have malpractice if you can show that this is the norm of what doctors do in this situation under these circumstances. You only get malpractice if you can show that your doctor, your medical person, your dentist deviated from that norm. Again back to the St. Paul letter, "Specifically there is no standard of care provided, i.e. no norm, any tort would be included for example, slander, non consensual contact, etc. Breach of Contract, which is in the definition, adds a whole new spectrum of uncertainty." I think, in response to the Senator from Washington, yes, I think there is a great potential to expand malpractice claims in the State of Maine, and hence, expand the cost of premiums for that insurance. Thank you.

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

Senator SEWALL: Thank you Mr. President and Members of the Senate. I think we are forgetting what this Bill does. We are talking about one section of it, but the two sections that are important, namely the cap and the cap on contingency fees, two hundred and fifty thousand dollars for pain and suffering, and limiting on contingency fees is what this Bill is about. I guess I would have to take responsibility for the drafting, and I want to explain that the section that the good Chairman of the Judiciary Committee has been discussing, could easily be changed. But our Bill, as you know, had to come out first before the so called compromise Bill. Quite honestly, as the Members of the Committee know, I put the draft together in a very few minutes because I felt that there was some support for these two things which have been left out of the compromise Bill.

I thought whereas they had been passed in other states, where we do put limits on things to save an insurance, we just did that sort of a thing for Dram Shop. Where we are trying to do this in all forms of insurance problems, I thought they were worth discussing and I thought that Senator Twitchell's Bill was worth coming to the floor because I knew there was some support out there. We saw that support in other places in this building. That one section, believe me, if we are going anywhere with this Bill, and it may be going some where, we can change that one section. I agree with Senator Carpenter that it needs to be modified and that language could be changed, but the two things that we are debating here today, are the cap on pain and suffering and the limiting of contingency fees for attorney's. Those are the two items that we are really voting on here today.

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

Senator CHALMERS: Thank you Mr. President. I rise with some trepidation. I will have to admit to the Body that I earn my living, when I am not here, as a lawyer. Please do not think that suspect, but I have to correct a couple statements, if I may. We are voting on more than just a cap and contingency fees. We are voting on this whole Bill, and I am not going to go over the inclusion of a new definition of medical malpractice. I am not going to recite the letter which says that St. Paul might pull out of the State of Maine, but we are talking on some other issues. This is more than just a "Dump On Lawyers Bill." This is a Bill that could hurt doctors. It could hurt people, little people, that are hurt by somebody that makes a mistake, who might have a chance to go and get some correction on that. I will only remind you, as I said last time we debated this Bill, contingency fees on lawyers doesn't have a thing to do with the cost of medical malpractice that the doctors are going to have to pay for. That is something that comes afterwards. This Bill is not a start. The other Bill that is the compromise between the doctors and the hospitals and the nurses, and yes, some lawyers were involved in it, that Bill is an approach. The Commission that is going to study the whole problem of liability insurance is a start. This Bill, which as my good friend, the Senator from Lincoln said, she put together in a few minutes, this Bill is a patchwork attempt at dumping on lawyers and I think a lot of people could get hurt by that. That you.

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

Senator BALDACCII: Thank you Mr. President and Members of the Senate. I intend to support the motion of the good Senator from Oxford, Senator Twitchell, this morning, not because I am in total support with the Bill, but because I believe that in fairness on such an important issue, that we should have the ability to review the Bills that have been presented by the good Senator and the Members of the Judiciary Committee, the minority members and the majority members.

People that I have been getting calls from, and like proponents on the good Senator's Bill from Oxford, but they feel the vehicle for those changes ought to be put into the major Bill coming from the Judiciary Committee. There were a lot of technical things that the Judiciary Committee Bill put in that are very necessary and needed. I don't want it to be mistaken that I am going along with the entirety of the version of the good Senator's Bill, but I think there certainly is some good components that ought to be included or at least ought to be reviewed. We sat here as a Body and put caps and discussed those sorts of things with the Liquor Liability Law, and I don't think that it is non-germane to be able to discuss those issues in regards to this particular piece of legislation. It is very important, it is very expensive to physicians, it is very expensive to people in the communities, and I think before we go ahead and do something, that we may be able to sit down and come to some sort of a compromise so that we can act as one Body. I will be supporting the motion of the good Senator from Oxford, Senator Twitchell.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. At some risk, because I was chastised the other night by a fellow member in this Body for even talking about the "other Bill", I have to tell you a couple of things that have happened since the other night. There has been a further compromise of that Bill. At this point, I can only identify two things in the Bill before us, Senator Twitchell's Bill, which are particularly attractive to various groups of people. One, has to do with the cap on contingency fees, listed on page 2, section 8303, of Senator Twitchell's Bill. The other has to do with the cap. I think it is one thing to talk about caps, when people consume alcohol and are subsequently injured. I think, I am not sure, but I think it is a completely different thing to talk about caps when you are talking about somebody who submits to medical treatment and is subsequently injured and there is subsequent malpractice proven. I am not unwilling to talk about that. What we did was, yesterday in the spirit of compromise, because there were people that were concerned about those issues, we said lets see what caps do. The insurance industry has told us that they don't believe caps do any good in terms of premiums. Lets see what caps do. There is a study commission, you may hear that the Bill coming out of the Judiciary Committee is a study bill, that is patently untrue. Perhaps 1/80 of that bill tells the Tort Liability Master Commission to study caps in general, specifically caps in this kind of a malpractice claim. We have dealt with that issue, we are not putting it aside, we said you tell us what are the effects of caps in other states that have enacted them. Who do they hurt? Who do they help? Do they help anybody? Do they help the person trying to get malpractice insurance?

The other thing, the contingency fee on attorney's fees, I can't stand here as an attorney or as a non-attorney and argue that that is a reasonable proposal. That is in the other bill, as of this morning. That is in the other bill with an eleven to two report coming out of my committee. What we did was changed the statute of limitations, again, because of the Tort Liability Master Commission study. We proposed to put those three things, statute of limitations on doctors, statute of limitations on lawyers, and cap on contingency fees until after the Commission comes in. We are not studying it, we are putting it in the statutes, effective August 1, 1988, because the Commission reports back January 15, 1988. We have been responsive to the concerns expressed elsewhere on this floor and in this Chamber, we have been responsive, we have not sloughed it off. I worked the other day, I felt like Henry Kissinger, I had one group over here from my Committee, I had one group over here, and I am running back and forth and this is now a part of the Bill. It is part of the Bill that, initially, we did not think was essential because sentiment expressed up here is now in the Bill. The other Bill does a lot more, mandatory screening, mandatory structured settlements, deals with the issue of wrongful birth. It is designed to weed out a lot of frivolous claims, this Bill does not do that. I ask you to vote against the pending motion please.

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

Senator SEWALL: Thank you Mr. President and Members of the Senate. I hope you remember what I mentioned the other day and that is you can vote for the other bill and this Bill and get the best of both. I admit that the Committee has moved a long way towards some sort of compromise on this. Remember you can do these things now or you can wait, as I argued on the Tort study for two years, you can wait for a result for two years or you can do this now. That is the whole question and I worry about what happened with us since the study committee and compromise on workers compensation. If you remember the Becker Report, we had all the problems of workmens' comp, we had the great debates, we had the fights, everything was in a very heated mode here for a long time, and finally we had a compromise bill. Everyone that helped put that together and that was a hard thought compromise, said this is a start, this is a beginning to solve our problems with workers comp. Then we passed that compromise and what was the perception the next year, the perception was we took care of the problem, over 80% of the Legislators said we have now taken care of it, even though they admitted it was just a start.

We can put everything into the Tort Study Commission, and we can get a report back in 1988, and we can do a little tiny bit now and we can have the perception that we have handled the problem, or we can go ahead with these two measures combine them in the other bill, do what ever technical method you want to do, I don't care whether it is this piece of legislation or whether these two components go into the other one. You can vote for all of these ideas and you can do it now.

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

Senator BROWN: Thank you Mr. President and Members of the Senate. The reason that I asked the question earlier about whether or not this particular piece of legislation might tend to aggravate the problem that exists out there. It is difficult for those of us that are not directly involved in these issues, as those who have spent the majority of their time speaking on it this morning. Being in the kind of work that I am in, I am involved and in contact with the hospitals and the doctors, a fair amount, and I very much know the kind of problem that prompted this legislation. I understand it completely. I have been contacted by three of those physicians that I deal with regularly, who want very much for us to try to figure ways to stop this devastating problem that exists in terms of the claims. They have all urged me not to support this, they have said that it will aggravate the problem and they have urged me not to do that. So, for someone that is not eminently involved in the entire range of bills that come before the Judiciary Committee, I have to pay some attention to those individuals that are especially involved in watching and monitoring things that are going to affect them directly. Thank you.

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

Senator TWITCHELL: Thank you Mr. President and Members of the Senate. If I thought that this Bill was going to make it worse instead of better, number one, I wouldn't put it in. If my hospital thought it was going to make it worse instead of better then they wouldn't have helped me put it in. Secondly, if we wait until the study comes out in 1988, my two hospitals will probably end up being nursing homes and there won't be either hospital in that area, because the doctors will have left. I urge you to support my motion to Recede and Concur.

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

A vote of Yes will be in favor of the motion to Recede and Concur.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator MCBREAIRTY of Aroostook who would be voting Yea requested and received permission to pair his vote with Senator KERRY of York who would have voted Nay.

Senator PEARSON of Penobscot who would have voted Yea requested and received permission to pair his vote with Senator GAUVREAU of Androscoggin who would have voted Nay.

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

On motion by Senator TWITCHELL of Oxford the Senate INSISTED in NON-CONCURRENCE.

Sent down for concurrence.

The Secretary will call the Roll.

ROLL CALL

House Papers

YEAS: Senators, BALDACCI, BLACK, KANY, PERKINS, SEWALL, SHUTE, TUTTLE, TWITCHELL

Bill "An Act to Fund and Implement a Certain Collective Bargaining Agreement" (Emergency) H.P. 1684 L.D. 2373

NAYS: Senators, ANDREWS, BERUBE, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GILL, HICHENS, MATTHEWS, NAJARIAN, STOVER, TRAFTON, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

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.

ABSENT: Senator DIAMOND

EXCUSED: Senator DUTREMBLE

COMMUNICATIONS

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused and 6 Senators having paired their votes, the motion of Senator TWITCHELL of Oxford to RECEDE and CONCUR, FAILS.

The Following Communication:

COMMITTEE ON FISHERIES AND WILDLIFE ONE HUNDRED AND TWELFTH LEGISLATURE

On motion by Senator CARPENTER of Aroostook the Senate ADHERED in NON-CONCURRENCE.

April 9, 1986

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

Non-concurrent Matter

SENATE REPORTS - from the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Define Terms in the Manufactured Housing Zoning Law" S.P. 738 L.D. 1891

Dear President Pray:

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

Majority Report - Ought To Pass.

Minority Report - Ought Not To Pass.

In Senate, April 10, 1986, the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Total number of bills received	16
Unanimous reports	14
Leave to Withdraw	4
Ought to Pass	1
Ought Not to Pass	2
Ought to Pass as Amended	4
Ought to Pass in New Draft	3
Divided reports	2

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Respectfully submitted,

April 11, 1986

S/Sen. Zachary E. Matthews S/Rep. Paul F. Jacques
Senate Chair House Chair

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

Which was READ and ORDERED PLACED ON FILE.

Dear President Pray:

The Following Communication:

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

COMMITTEE ON UTILITIES
ONE HUNDRED AND TWELFTH LEGISLATURE

April 10, 1986

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

Total number of bills received	16
Unanimous reports	14
Leave to Withdraw	3
Ought to Pass	0
Ought Not to Pass	1
Ought to Pass as Amended	6
Ought to Pass in New Draft	4
Divided reports	1
Original bill reported to floor Pursuant to Joint Rule 13	1

Dear President Pray:

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

Respectfully submitted,

S/Edgar E. Erwin S/John M. Michael
Senate Chair House Chair

Total number of bills received	44
Unanimous reports	39
Leave to Withdraw	15
Ought to Pass	4
Ought Not to Pass	1
Ought to Pass as Amended	11
Ought to Pass in New Draft	8
Divided reports	5

Which was READ and ORDERED PLACED ON FILE.

Respectfully submitted,

S/Senator John E. Baldacci S/Rep. Harry L. Vose
Senate Chair House Chair

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Which was READ and ORDERED PLACED ON FILE.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Amend the Maine Health Care Finance Commission Laws with Respect to the Certificate of Need Development Account, Recognition of Certain Operating Costs, Repeal of Provisions Governing Reorganizations and Affiliated Interests, Streamlining of Procedure and for Other Purposes"
S.P. 781 L.D. 1965

The Following Communication:

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

S.P. 946 L.D. 2372

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND TWELFTH LEGISLATURE

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

Ought to Pass in New Draft under New Title

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Nuclear Waste Activity and Requiring Disapproval of a High-level Radioactive Waste Site" S.P. 898 L.D. 2260

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State" S.P. 945 L.D. 2371

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

SECOND READERS

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

House

Bill "An Act to Authorize Certified Law Enforcement Officers to Prosecute Violations of Municipal Ordinances" H.P. 1677 L.D. 2363

Bill "An Act Concerning Property Tax Assessment and Appeals" H.P. 1678 L.D. 2364

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

Bill "An Act Relating to Retirement Benefits for Confidential State Employees" H.P. 1680 L.D. 2366

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

House As Amended

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) H.P. 1670 L.D. 2355 (H "A" H-675)

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

Senate As Amended

Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation" S.P. 757 L.D. 1921 (C "A" S-472)

Bill "An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center" S.P. 822 L.D. 2082 (C "A" S-473)

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

Sent down for concurrence.

ENACTORS

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

An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies H.P. 1598 L.D. 2251

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

ORDERS OF THE DAY

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

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)

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

Pending - ENACTMENT

(In Senate, April 10, 1986, PASSED TO BE ENACTED. Subsequently, RECONSIDERED ENACTMENT.)

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

(In Senate, April 7, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-461).)

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

Off Record Remarks

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, RECESSED until 11 o'clock in the morning.

After Recess

Senate called to order by the President.

Senator CARPENTER of Aroostook 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:

Senate

Bill "An Act to Amend the Maine Health Care Finance Commission Laws with Respect to the Certificate of Need Development Account, Recognition of Certain Operating Costs, Repeal of Provisions Governing Reorganizations and Affiliated Interests, Streamlining of Procedure and for Other Purposes"
S.P. 946 L.D. 2372

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

Sent down for concurrence.

Bill "An Act Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State"
S.P. 945 L.D. 2371

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

Under suspension of the Rules, on motion by Senator VIOLETTE of Aroostook, the Senate removed from the SPECIAL APPROPRIATIONS TABLE:

Emergency Resolve

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

Tabled - April 10, 1986, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, April 10, 1986, FINALLY PASSED.)

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

On motion by Senator BROWN of Washington, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-475) 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.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Legislative Veto over Agency Rules

H.P. 1579 L.D. 2228

Majority Report - Ought To Pass as Amended by Committee Amendment "A" (H-664).

Minority Report - Ought Not to Pass.

In House, April 10, 1986, 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).

In Senate, April 10, 1986, Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED AND ASK FOR A COMMITTEE OF CONFERENCE.

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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to Day Treatment Services for Emotionally Disturbed Children" (Emergency)

H.P. 1342 L.D. 1879

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-679).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-679)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-679) READ and ADOPTED, in concurrence.

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

Ought To Pass in New Draft

The Committee on BUSINESS AND COMMERCE on Bill "An Act Relating to the Social Worker Registration Law"

H.P. 1520 L.D. 2140

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

H.P. 1683 L.D. 2370

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.

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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection"

H.P. 1406 L.D. 1986

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection"

H.P. 1681 L.D. 2368

Signed:

Senators: USHER of Cumberland
EMERSON of Penobscot

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Freeport
COLES of Harpswell

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

Which Reports were READ.

Senator USHER of Cumberland moved that the Senate ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

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

Senator KANY: I request a Division. I would just like to explain the Minority Report's position and that there is a number of significant changes that are included in the New Draft of the Majority Report that were not really brought to the attention of the public. Significant changes in the administration of the Department that were not included as suggestions in the original Bill or did not have a public hearing. Although some of them may be excellent ideas, they simply haven't had the usual process. The way the Bill was introduced, plenty early on February 7, 1986, and if there was interest in having significant changes there really would have been probably plenty of opportunity at that date to have a public hearing. So consequently, I urge you to reject the Majority Report and go with the Minority Ought to Pass Report.

Senator KANY of Kennebec requested a Division.

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

Senator USHER: Thank you Mr. President and Members of the Senate. We held three workshops on this Bill and there was no opposition to the proposals that we made. In regards to the administration, it was discussed in two of the workshops out of the three that we held. This is part of the recommendation that was done in 1981. Former State Senator Trafton, who headed up that Commission to evaluate the Department of Environmental Protection made the statements in the report that the Department of Environmental Protection has only one classified position, the Commissioner. Three years ago, we made changes in other departments to make them more effective and efficient and we discussed this in Committee and thought this was the time, since we had a new Commissioner, to make this Department a little more efficient too, and accommodating to the Commissioner and to allow the Commissioners to have a little more flexibility to choose their management team. I urge you to support the Majority Report.

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

Senator BROWN: Thank you Mr. President and Members of the Senate. I would hope that you do not support the Majority Report and you would go along with Accepting the Minority Report. A bill came in from the Department of Environmental Protection which is the one which the Minority Report represents and had very substantial changes made to it.

It just so happens this came about at the same time that a certain Paper Company was in the process of getting their quality application in and filed, and now is the time where we are going to go ahead and change some bureau chiefs that trickles all the way down through the one that tried in some way to influence the decision within an agency. This is the wrong time, whether you have any agreements or disagreements whether or not the bureau chiefs ought to be declassified, this is the wrong time to do it. It shouldn't be done under any kind of threatening atmosphere as the time when this has been proposed. I would urge that you not accept the Majority Report and you would accept the Minority Report. Thank you Mr. President.

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

Senator USHER: Thank you Mr. President and Members of the Senate. In response to the good Senator from Washington County, Senator Brown, I have to disagree in reference to the paper company that he is talking about in his district. We did reach a compromise after two or three meetings with that paper company, and the Department, and a couple Members of the Committee. We believe we resolved that issue. The other issue on declassification, was discussed before the other issue that Senator Brown is referring to. I think everything is in a good state right now. The Commissioner wants to move with the Department, he is a good, honest person and he wants to do a good job, and I think we should give him some tools to work with, and that is a good staff.

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

Senator BROWN: Thank you Mr. President. Just to correct for the Record, I was not confused on the issue, there are a couple of different issues that are being dealt with on the question of that particular permit. What we have when we declassify it, again, this is a very substantive change that we are talking about. It was proposed a couple of years ago and it was turned down at that time. Whether or not that ought to take place is something that ought to be debated at length within that Committee. That is another issue. I don't know at this time, however, when you have got highly technical people that are dealing with various applications that come in before the Department of Environmental Protection, and you have those political appointees from the Commission all the way down to the bureau chiefs, then you have all kinds of room in there for manipulation.

We are talking in one portion of this Bill in giving the Commissioner additional powers, which means a political appointee charged with forcing the Environmental Protection Laws of this State, is in the position and then we are going to say we are declassifying all the way down to the bureau chiefs here of having very subtle sorts of intimidations occurring. That is not the kind of Department you need to have to enforce Environmental laws. You might be able to do in the Department of Education, which we declassified a couple of years ago, that is an appropriate place to do that because you are talking about educational policies. You are not talking about very stringent laws that it takes technical people to deal with. It is a very serious change made in this Bill that has come in. I would urge you not to accept the Majority Report.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I rise to share the concern expressed by the Senator from Washington, Senator Brown. In a past life, when I was the Chairman of the State Government Committee, that Committee took up two Omnibus Bills in the 111th, which involved the declassification of well over two hundred classified positions. There are in some sense, conflicting concerns here, but it was the unanimous decision of the State Government Committee in the 111th Legislature not to declassify these positions. We declassified numerous other positions, but for the reasons expressed by the good Gentlemen from Washington, Senator Brown, I have real reservations today, because this Bill did not embody the declassifications of these five positions and it is simply an amendment to what is, unfortunately, the title of the Bill could encompass anything with this Department. So I have some real reservations here, as I know others did only two years ago. I simply wanted to share this with you today.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

A Division has been requested.

On motion by Senator KANY of Kennebec supported by a Division of at least one-fifth of those Members present and voting a Roll Call was ordered.

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

Senator KANY: Mr. President and Members of the Senate. Ordinarily we try not to remind people what we have done in the past, but I have served as the Co-Chairman of the State Government Committee for two and a half terms and one term as the Chairman of the Energy and Natural Resources Committee. I really do think that these are significant changes that are being suggested.

I hope that you listen to the good Senator from Aroostook, Senator Violette, because you do want to look at governments very carefully. Individual positions, are they appropriately political appointments? Are they appropriately classified? It is significant and whether you believe these particular positions should be classified or not, I hope that you also consider the fact that the original Bill did not even question that. Did not address that, there was not a public hearing on the proposal to unclassify these positions and certainly there is time in January to address this very significant issue. I urge you to vote against the Majority Report and in favor the Minority Report so that our process will be kept proper.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

A vote of Yes will be in favor of the motion of Senator USHER of Cumberland to Accept the Majority Ought to Pass in New Draft under New Title Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BERUBE, BLACK, CARPENTER, EMERSON, ERWIN, GILL, HICHENS, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BROWN, BUSTIN, CHALMERS, CLARK, DOW, GAUVREAU, KANY, KERRY, TRAFTON, TUTTLE, TWITCHELL, VIOLETTE

ABSENT: Senators, BALDACCI, DIAMOND, WEBSTER

EXCUSED: Senator DUTREMBLE

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator USHER of Cumberland to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report, PREVAILS, 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.

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

S.P. 891 L.D. 2241

ENACTORS

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

An Act Relating to Boards and Commissions
H.P. 1614 L.D. 2269
(H "A" H-657; S "A" S-446; S "B" S-448)

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

ORDERS OF THE DAY

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

Bill "An Act Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State"

S.P. 945 L.D. 2371

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

Pending - PASSAGE TO BE ENGROSSED

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

On motion by Senator BROWN of Washington, Senate Amendment "A" (S-477) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

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

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

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

Senator MATTHEWS: Mr. President and Members of the Senate. I first beg your leave for being out of the Chamber for a few minutes, we had a surprising group of railroad workers that came down to the State House today and that is where I was for a few minutes.

I wanted to take an opportunity, in the midst of all the tough and controversial issues that we have been discussing these past few days, and last few weeks now, to kind of bring you up to date, or just say a little bit about a gentlemen who you just recognized, Dr. Michael Stein. It has been my pleasure to have known him for about a year now and I think the citizens of the State of Maine can be very pleased that a gentlemen of his abilities has come to reside in Waterville Maine, the home of the good Senator from Kennebec, Senator Kany. He has a lifelong ambition, which has been to preserve the arts and humanities and has collected thousands of piano rolls and I, again, ask your leave if I do not use the right terminology, I am an appreciator of the arts and humanities, but not an expert in that area. He has collected thousands of these priceless works from the very best people like George Gershwin and others.

Since the beginning of the Twentieth Century, has been able to compile these piano rolls and preserve them and play them back on the some of the classical pianos that he has. It is just a honor that he has come to reside in the State of Maine, in Waterville and has an ambition to set up a place in Waterville where people will be able to come in and listen to these priceless works. He is also an accomplished artist and I just wanted to take time in the midst of the crazy days of the last few days of the session to appreciate a person who is preserving, for our children, the best of what society can offer. Thank you.

On motion by Senator STOVER of Sagadahoc RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency)

S.P. 813 L.D. 2045
(S "A" S-459; C "A"
S-443)

In Senate, April 7, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443) AND SENATE AMENDMENT "A" (S-459).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-684) thereto, AND SENATE AMENDMENT "A" (S-459) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter

House As Amended

Bill "An Act to Recodify the Laws of the Maine State Retirement System"

S.P. 886 L.D. 2231
(S "A" S-467 to H "A"
H-596; S "A" S-468)

In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-596) AS AMENDED BY SENATE AMENDMENT "A" (S-467) thereto, AND SENATE AMENDMENT "A" (S-468).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-690) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 Relating to the Social Worker Registration Law"

H.P. 1683 L.D. 2370

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

Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection"

H.P. 1681 L.D. 2368

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.

Bill "An Act Relating to Day Treatment Services for Emotionally Disturbed Children" (Emergency)
H.P. 1342 L.D. 1879
(C "A" H-679)

Which was 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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
STATE HOUSE STATION 2
AUGUSTA, MAINE 04333

April 11, 1986

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Define Terms in the Manufactured Housing Zoning Law" (S.P. 738) (L.D. 1891).

Sincerely,

S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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 Workers' Compensation Act to Require Prepayment for Medical Aids and to Make Corrections Relating to Foreign Employees

H.P. 1618 L.D. 2274
(S "A" S-466; H "A"
H-625)

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
(H "A" H-668)

An Act Extending the Boundaries of the Gray Water District to Include the Entire Town

H.P. 1664 L.D. 2342

An Act to Amend the Law Giving Protection to Shareholders in Maine Corporations

H.P. 1669 L.D. 2353

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

An Act to 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

On motion by Senator VIOLETTE of Aroostook, 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:

Resolve

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; H "B"
H-669)

(See Action Later Today)

Resolve, Authorizing the Sale of Certain Public Reserved Lands in Winterville Plantation

H.P. 1626 L.D. 2294

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

Emergency Resolve

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

H.P. 1682 L.D. 2369

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.

Senate at Ease

Senate called to order by the President.

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 Authorize the Commissioner of Transportation to Issue Experimental Vehicle Permits on a Limited Basis under Strictly Controlled Conditions

S.P. 927 L.D. 2314
(H "A" H-672)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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 Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account

S.P. 932 L.D. 2333
(H "B" H-681)

On motion by Senator VIOLETTE of Aroostook, 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 to Improve Child Welfare Services in Maine
H.P. 1588 L.D. 2233
(C "A" H-653)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 1 Senator having voted in negative, and 25 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.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act to Exempt from Taxation Sales to Persons of Tangible Personal Property to be Used for the Exclusive Purpose of Providing Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders" (Emergency)

S.P. 863 L.D. 2177

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Exempt from the Sales Tax Law Sales to Nonprofit Organizations Licensed as Boarding Care Facilities by the Department of Human Services Whose Exclusive Purpose is the Providing of Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders" (Emergency)

S.P. 947 L.D. 2374

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.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Clarify the Authority of Harbor Masters" (Emergency)

S.P. 926 L.D. 2313

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-478).

Signed:

Senators: TUTTLE of York
BALDACCI of Penobscot
STOVER of Sagadahoc

Representatives: SALSBURY of Bar Harbor
MURPHY of Berwick
MCHENRY of Madawaska
WENTWORTH of Wells
ROTONDI of Athens
HALE of Sanford

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

Signed:

Representatives: SMITH of Island Falls
NICKERSON of Turner
MASTERMAN of Milo
DAGGETT of Manchester

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-478) Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-478) READ and ACCEPTED.

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need" H.P. 1352 L.D. 1896

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-689).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-689) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act Relating to the Labeling of Milk" H.P. 1616 L.D. 2287

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-682).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-682) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought To Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Energy Improvements in State Facilities" H.P. 1590 L.D. 2243

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-688).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-688) READ and ADOPTED, in concurrence.

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,500,000 for Sewer Treatment Facilities and Storage of Road Salt and Sand"

H.P. 1617 L.D. 2288

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-687).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-687)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-687) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought To Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Provide a Liquor License for Auditoriums" H.P. 1628 L.D. 2301

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-686).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-686) READ and ADOPTED, in concurrence.

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS ONE HUNDRED AND TWELFTH LEGISLATURE

April 9, 1986

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 Aging, Retirement and Veterans 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	12
Unanimous reports	12
Leave to Withdraw	3
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	7
Divided reports	0

Respectfully submitted,

S/Mary Najarian Senate Chair

S/Daniel B. Hickey House Chair

Which was READ and ORDERED PLACED ON FILE.

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

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; H "B" H-669)

(In Senate, April 11, 1986, FINALLY PASSED, in concurrence.)

(In House, April 11, 1986, FINALLY PASSED.)

On further motion by same Senator, Tabled until Later in Today's Session, pending FINAL PASSAGE.

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:

HOUSE REPORTS - from the Committee on UTILITIES on Bill "An Act Concerning Local Telephone Service Rate Structure"

H.P. 1388 L.D. 1957

Majority Report - Ought to Pass as Amended by Committee Amendment "A" (H-496).

Minority Report - Ought Not to Pass.

Tabled - February 18, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

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

(In House, February 18, 1986, Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

On motion by Senator BALDACCI of Penobscot the Senate ACCEPTED the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496) Report in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-496) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-476) READ and ADOPTED.

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

Senator GILL: Could the good Senator explain what the amendment does please?

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate. The amendment that has been prepared today, deals with three particular areas. That of the policy of the State of Maine in regards to rates for local telephone service, to both business and residential customers. It deals with a rate structure that includes the fixed monthly charge that is to be part of that component, along with the optional program that has been put forth and the measurement itself, to take into consideration that it be fair and equitable and a consideration to a universal service policy. We are trying to set forth this policy. This was part of the telephone study that the Committee had undertaken earlier this year, so it is amending the Majority Report to include these three areas.

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator ANDREWS of Cumberland moved that the Senate RECESS until the sound of the bell.

Senator ANDREWS of Cumberland requested and received Leave of the Senate to Withdraw his motion.

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

On motion by Senator CHALMERS of Knox RECESSED until the sound of the bell.

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. 1685

JOINT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REDUCE CERTAIN FUEL ADJUSTMENT RATES

WHEREAS, in 1985 the Public Utilities Commission approved fuel adjustment rates for Maine Public Service Company, Central Maine Power Company and Bangor Hydro-electric Company to take effect respectively April 1, 1985, September 1, 1985; and November 1, 1985; and

WHEREAS, each of the adjustments were based on an assumed price for residual oil of over \$20 per barrel and the Central Maine Power Company adjustment assumed a cost of \$24 per barrel through August 1, 1986, for low-sulphur residual oil; and

WHEREAS, since 1985, residual oil prices have declined substantially and dropped below \$17 a barrel by the end of February 1986 and further decreases have occurred since then; and

WHEREAS, as of the end of February 1986, Central Maine Power Company had collected \$13,000,000 more than anticipated from ratepayers, and the over-collections of fuel costs continue to grow at a substantial rate. Each of the utilities has over-collected from its customers due to falling oil prices; and

WHEREAS, the people of Maine should have an immediate reduction in the fuel cost rate to reflect declining oil prices and the growing over-collections; now, therefore be it

RESOLVED: That We, the Members of the 112th Legislature on behalf of the people of the State of Maine, request that the Public Utilities Commission order the prompt reduction in the fuel adjustment rates of the Central Maine Power Company, Bangor Hydro-electric and Maine Public Service and that this reduction be reflected in customer rates by May 1, 1986; and be it further;

RESOLVED: That copies of this Joint Resolution, be immediately submitted to the Maine Public Utilities Commission.

Comes from the House READ and ADOPTED.

Which was READ.

Senator BALDACCI of Penobscot moved to Table 1 Legislative day, pending ADOPTION.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION.

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

COMMUNICATIONS

The Following Communication: H.P. 1686

MAINE INDIAN TRIBAL-STATE COMMISSION

April 11, 1986

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

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

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA §6205(5) and Joint Rule 36-A of the Maine Legislature, the Maine Indian Tribal-State Commission met on April 11, 1986 for the purpose of making a recommendation on the request of the Passamaquoddy Tribe to amend 30 M.R.S.A. §6205(1) (B) by adding to those areas presently designated as eligible for inclusion as Passamaquoddy Indian Territory the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3 N.B.K.P. (Alder Brook), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown), and T.4 R.4 N.B.K.P. (Prentiss).

With a quorum present a motion was made and approved by the required number of votes stating that the Maine Indian Tribal-State Commission recommends to the Maine Legislature that the Dyer Interests proposed for acquisition by the Passamaquoddy Tribe as stated above be added to those areas presently designated in 30 MRSA §6205(1) (B) as eligible for inclusion as Passamaquoddy Indian Territory.

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

Sincerely,
S/John G. Melrose
Executive Director

Comes from the House READ and ORDERED PLACED ON FILE.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations from the General Fund and Allocations from 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" (Emergency)

S.P. 800 L.D. 2006

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

S.P. 948 L.D. 2375

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:

SECOND READERS

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

House As Amended

Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need"
H.P. 1352 L.D. 1896
(C "A" H-689)

Bill "An Act Relating to the Labeling of Milk"
H.P. 1616 L.D. 2287
(C "A" H-682)

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

Senate

Bill "An Act to Exempt from the Sales Tax Law Sales to Nonprofit Organizations Licensed as Boarding Care Facilities by the Department of Human Services Whose Exclusive Purpose is the Providing of Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders" (Emergency)

S.P. 947 L.D. 2374

Which was READ A SECOND TIME.

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

Senator BROWN: Thank you Mr. President, I would like to pose a question, if I may, concerning this specific piece of legislation. We recently had a bill before us that dealt with a 5% increase for individuals who operate boarding homes. We talked about, at that time, that it was roughly about \$638 a month for them to operate and we were going to move them up to \$438, so \$200 shy per individual for what it costs to operate.

As I read this bill, we are talking about non-profit boarding care facilities who are only licensed to care for Alzheimers Disease. It seems like the least we could be thinking about doing is, why aren't we including all the boarding care facilities that are non-profit? Why are we picking out one that treats Alzheimers Disease only?

THE PRESIDENT: The Senator from Aroostook, Senator Brown, as 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: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be happy to respond to the good Senator from Washington, Senator Brown's question on the Alzheimers project. I couldn't agree with him more. If the Members remember when that bill came through for the boarding homes, I was on a Minority Report and that Minority Report would have raised the price of reimbursement to \$600, which is much better and should be, and reflects the cost of taking care of people in boarding homes. However, Alzheimers, as most people know from all of the media, it has been recognized in the last ten years. I believe, it is something that we are now referring to Alzheimers, we have had it before and maybe all of us have it here.

We never know, but it is a very debilitating kind of disease that the elderly get, and not only the elderly get, when you are fifty years old it might hit you too. In fact, we have not, in the State of Maine, paid a great deal of attention as to how we are going to care for these people. What we have done, there has been several State and private funds to construct a model facility in Gardiner Maine, through the Kennebec Valley Medical Center. What we are asking for is the sales tax not be applied to the construction costs of that. That will be reflected in the lower cost reimbursement from the State, so that it becomes a direct benefit to the patients. I do not know why we don't give that same kind of exemption for all boarding homes, perhaps that is something that should be done, however, I have not seen a bill come up before the Human Resources Committee on this particular thing. I think there was something that went through Taxation on boarding homes, but I am really not privy to what that Bill did.

However, this is the one project in the State that is going to try to address this problem to see how other facilities should handle the problem and if they would want to. Most nursing and boarding homes do not want to take care of this kind of patient. They require much more care and much more watching and, therefore, more staffing is needed for them. It is important that they have this. It is a \$25,000 exemption at this point, because we would have to keep on the cost reimbursement, you have to keep the amount you are going to reimburse boarding homes below the amount you reimburse ICF, otherwise you can't reimburse the boarding homes for that particular level of care. It becomes very complicated, but that is the reason why we need the sales tax exemption.

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

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 Universal Telephone Service Program"

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

In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464).

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

On motion by Senator BALDACCI of Penobscot the Senate ADHERED in NON-CONCURRENCE.

Sent down for 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 Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Energy Improvements in State Facilities"

H.P. 1590 L.D. 2243
(C "A" H-688)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,500,000 for Sewer Treatment Facilities and Storage of Road Salt and Sand"

H.P. 1617 L.D. 2288
(C "A" H-687)

Bill "An Act to Provide a Liquor License for Auditoriums"

H.P. 1628 L.D. 2301
(C "A" H-686)

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

Senate As Amended

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

S.P. 926 L.D. 2313
(C "A" S-478)

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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund"

S.P. 695 L.D. 1781

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-481).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-481) READ and ADOPTED.

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

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.

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 Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome" (Emergency)

S.P. 943 L.D. 2367

In Senate, April 10, 1986, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-695) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title

Senator STOVER for the Committee on LEGAL AFFAIRS on Resolve, to Permit John Taylor, Personal Representative of the Estate of Sharon Taylor, to Sue the State for Wrongful Death

S.P. 889 L.D. 2238

Reported that the same Ought to Pass in New Draft under New Title Resolve, to Permit John Taylor, Personal Representative of the Estate of Sharon Taylor, to Sue the State for Wrongful Death

S.P. 949 L.D. 2376

Which Report was READ and ACCEPTED.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" H.P. 1592 L.D. 2245

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-694).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-694) READ and ADOPTED, in concurrence.

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

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

Non-concurrent Matter

Bill "An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs" H.P. 1652 L.D. 2330

In Senate, April 7, 1986, PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-692) without reference to a Committee in NON-CONCURRENCE.

On motion by Senator BROWN of Washington the Senate RECEDED from PASSAGE TO BE ENGROSSED.

House Amendment "B" (H-692) READ and ADOPTED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-474) 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.

Non-concurrent Matter

Bill "An Act to Provide Appropriate Penalties for Violations of Milk Commission Statutes and to Provide for Administrative Enforcement"

H.P. 1585 L.D. 2232
(C "A" H-648)

In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648) AND HOUSE AMENDMENT "A" (H-693) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND TWELFTH LEGISLATURE

April 11, 1986

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 Transportation 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	29
Unanimous reports	24
Leave to Withdraw	7
Ought to Pass	5
Ought Not to Pass	2
Ought to Pass as Amended	6
Ought to Pass in New Draft	4
Divided reports	5

Respectfully submitted,

S/Charles G. Dow
Senate Chair

S/Raynold Theriault
House Chair

Which was READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

Bill "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)

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

Pending - ENACTMENT

(In Senate, April 10, 1986, PASSED TO BE ENACTED. Subsequently, RECONSIDERED ENACTMENT.)

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

(In Senate, April 7, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-461).)

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 Later Today assigned matter:

HOUSE REPORTS - from 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

Majority Report - Ought To Pass as Amended by Committee Amendment "A" (H-664).

Minority Report - Ought Not to Pass.

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

Pending - FURTHER CONSIDERATION

(In House, April 10, 1986, 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).)

(In Senate, April 10, 1986, Minority OUGHT NOT TO PASS Report READ and ACCEPTED IN NON-CONCURRENCE.)

(In House, April 11, 1986, that Body INSISTED AND ASK FOR A COMMITTEE OF CONFERENCE.)

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

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

An Act Relating to Boards and Commissions

H.P. 1614 L.D. 2269
(H "A" H-657; S "A" S-446; S "B" S-448)

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

Pending - ENACTMENT

(In House, April 11, 1986, PASSED TO BE ENACTED.)

(In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-657) AND SENATE AMENDMENTS "A" (S-446) AND "B" (S-448).)

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

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

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

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

Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection"

H.P. 1681 L.D. 2368

Pending - FINAL PASSAGE

(In Senate, April 11, 1986, FINALLY PASSED. Subsequently, RECONSIDERED FINAL PASSAGE.)

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

(In House, April 11, 1986, FINALLY PASSED.)

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-649) AND "B" (H-669), in concurrence.)

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

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

(In House, April 11, 1986, PASSED TO BE ENGROSSED.)

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-480) READ.

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

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

COMMUNICATIONS

Senator USHER: This amendment is to take care of some technical problems that we found in the bill this morning.

The Following Communication:

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-480) ADOPTED.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
STATE HOUSE STATION 2
AUGUSTA, MAINE 04333

On motion by Senator BROWN of Washington, Senate Amendment "A" (S-479) READ.

April 11, 1986

Senate at Ease

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

Senate called to order by the President.

Dear Madam Secretary:

On further motion by same Senator, Tabled until Later in Today's Session, pending the ADOPTION of Senate Amendment "A" (S-479).

The House voted today to adhere to its former action whereby the Minority "Ought Not to Pass" Report of the Committee on Utilities was read and accepted on Bill "An Act Concerning Local Telephone Service Rate Structure" (H.P. 1388) (L.D. 1957).

Sincerely,

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

S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection"

H.P. 1681 L.D. 2368

Tabled - April 11, 1986, by Senator BROWN of Washington.

Pending - Motion of same Senator to ADOPT Senate Amendment "A" (S-479)

(In Senate, April 11, 1986, READ A SECOND TIME. Senate Amendment "B" (S-480) READ and ADOPTED. Senate Amendment "A" (S-479) READ.)

(In House, April 11, 1986, PASSED TO BE ENGROSSED.)

THE PRESIDENT: The pending question before the Senate is the motion of Senator BROWN of Washington to ADOPT Senate Amendment "A" (S-479).

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I oppose the pending motion to Adopt Senate Amendment "A" (S-479). This amendment takes away two things out of the Omnibus Bill that we have before us. It keeps the five positions that we recommended to declassify, and keeps them in their classification. It also takes away the delegation that we authorize the Commissioner to have. It handles two different things, and these things were discussed thoroughly in Committee, and we felt for the Commissioner to do a good job, in his new position, that he needed these two tools to make a good department and I move the Indefinite Postponement of Senate Amendment "A" (S-479).

Senator USHER of Cumberland moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-479).

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

Senator BROWN: Thank you Mr. President and Members of the Senate. I would hope that you would have had a chance by this time to take a look at Senate Amendment "A" (S-479). As the good Senator from Cumberland, Senator Usher, has mentioned a moment ago, it does two things.

One is, it takes those positions out that are being declassified, and the reasons for that have been outlined pretty well previously. The second thing is the one that I would like to spend most of the next few seconds talking about. First off, we have a Commissioner who is a political appointee, and then we are going ahead and trying to declassify the bureau chiefs just below him who will also be political appointees. In any event, there was the Chief Executive Officer of the State, the Governor, who wanted to move things in a certain direction. There would be a lot of influence within that department. It has a lot of responsibility to enforce very technical laws.

That is the reason why, as the good Senator from Aroostook, Senator Violette, said two years ago, when the State Government Committee looked at that, and decided that was one department where that should not occur. The second part is talking about the Commissioner being able to do a good job in giving him more responsibilities than he currently has. Under this amendment, the concluding sentences in the Statement of Fact, say that "the danger of this proposed statutory delegation is that it will reduce public access to the Department of Environmental Protection decision making authority by a single political appointee." That is where the dangers come in, especially in regards to the subdivision and the water charge applications.

We have a system, at present time, that we talked earlier about in this Chamber, about the integrity of a process. In order to keep that integrity of the process, we need to put on this amendment to keep things the way they are. I would urge that you Adopt this amendment. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "A" (S-479).

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: I request a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "A" (S-479).

A Division has been requested.

Will all those Senators in favor of the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "A" (S-479), please rise in their places and remain standing until counted.

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

On motion by Senator BROWN of Washington 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 USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "A" (S-479).

A vote of Yes will be in favor of the motion of Senator USHER of Cumberland to Indefinitely Postpone Senate Amendment "A" (S-479).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

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

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BALDACCI, BERUBE, BLACK, DOW, EMERSON, ERWIN, GILL, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PERKINS, SEWALL, SHUTE, STOVER, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BROWN, BUSTIN, CHALMERS, CLARK, GAUVREAU, KANY, TRAFTON, TUTTLE

ABSENT: Senators, CARPENTER, DIAMOND

EXCUSED: Senator DUTREMBLE

Senator MATTHEWS of Kennebec requested and received leave of the Senate to change his vote from Nay to Yea.

Senator BALDACCI of Penobscot requested and received leave of the Senate to change his vote from Nay to Yea.

21 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused and 2 Senators having paired their votes, the motion by Senator USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "A" (S-479), PREVAILS.

On motion by Senator VIOLETTE of Aroostook, Senate Amendment "C" (S-482) READ.

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

Senator USHER: This amendment is part of the other amendment that we just turned down. This one is to take away the declassification section, which we discussed in this mornings session. This is one of the things that we feel is important, that the Commissioner can go a good job with the Department. I realize that it didn't go to the State Government Committee. It was before our Committee. We were very concerned about the operation of the Department. Three weeks ago, we met with the DEP Board and they told us how over worked they were, and there are so many things that have to be done over there. We are trying to make a move, we knew we only had a week to go in session and we feel that these minor steps is a move in the right direction. I move the Indefinite Postponement of this Amendment.

Senator USHER of Cumberland moved the INDEFINITE POSTPONEMENT of Senate Amendment "C" (S-482).

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. This is not the same amendment as the one that we just Indefinitely Postponed. The only thing that this amendment does is to continue the present classification of those four or five employees that we are dealing with. It has nothing to do with the duties of the Commissioner or the Board, or how over worked they are, under worked they are. That is an argument that has nothing to do with this amendment. This amendment only does one thing. This Committee has decided to declassify some positions that was not included in the original language. The last time the Legislature dealt with this area, it decided in my opinion, not to declassify them. There is a more appropriate role to deal with declassifications of employees, they circumvent that process. If this is justifiable today, it will be just as justifiable tomorrow when it goes through the proper process. I don't think that it is justifiable today, and I don't think it would be if it went through that process. It is for that reason that I offer this amendment and I hope that you will defeat the motion to Indefinitely Postpone, and I request a Division.

Senator VIOLETTE of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "C" (S-482).

A Division has been requested.

Will all those Senators in favor of the motion of Senator USHER of Cumberland to Indefinitely Postpone Senate Amendment "C" (S-482), please rise in their places and remain standing until counted.

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

On motion by Senator USHER of Cumberland 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 USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "C" (S-482).

A vote of Yes will be in favor of the motion of Senator USHER of Cumberland to Indefinitely Postpone Senate Amendment "C" (S-482).

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, BLACK, EMERSON, ERWIN, GILL, HICHENS, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BROWN, BUSTIN, CHALMERS, CLARK, DOW, GAUVREAU, KANY, KERRY, MATTHEWS, MAYBURY, NAJARIAN, TRAFTON, TUTTLE, VIOLETTE, WEBSTER

ABSENT: Senators, CARPENTER, DIAMOND, PEARSON

EXCUSED: Senator DUTREMBLE

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE Senate Amendment "C" (S-482), FAILS.

On motion by Senator VIOLETTE of Aroostook, Senate Amendment "C" (S-482) ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act Relating to Commercial Vehicles" S.P. 914 L.D. 2282

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-484).

Signed:

Senators: ERWIN of Oxford
DOW of Kennebec

Representatives: THERIAULT of Fort Kent
MOHOLLAND of Princeton
POULIOT of Lewiston
STROUT of Corinth
MCPHERSON of Eliot
MILLS of Bethel
MACOMBER of South Portland
SOUCY of Kittery
CAHILL of Woolwich
CALLAHAN of Mechanic Falls

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

Signed:

Senator: SHUTE of Waldo

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484) Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-484) READ.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. Perhaps a Member of that Committee could give us a brief description of what Committee Amendment "A" (S-484) accomplishes.

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

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: I can give you a brief description of the Bill, itself, but I do not have the Amendment in front of me at this time. It was a Study Commission that was done in the summer on commercial vehicles, and it was a primarily unanimous report out of the Committee. It is my understanding that it would be unanimous now, because there was only one question that Senator Shute had that was taken care of. It is a compromise that was worked out between the trucking industry and the Transportation Department.

It is revenue neutral, as near as possible. It took care of a number of different things that the Transportation Department and the trucking industry have been fighting for a number of years. It makes a better bill, and if you want specifics on some of the issues, I would be glad to discuss them with you. Thank you.

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

Senator VIOLETTE: Mr. President, I pose a further question through the Chair to any Senator who would care to respond. Will this Bill affect out of State leasing, when individuals out of state, lease in state, does this Bill affect that? If so, are those funds in this Bill dedicated to any particular account, or do they go to the General Fund?

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

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: It doesn't affect the out-of-state leasing.

Committee Amendment "A" (S-484) ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED 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 previously held, were ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Implement the International Registration Plan to Apportion Fees for Certain Commercial Vehicles" (Emergency)

S.P. 804 L.D. 2019

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-485).

Signed:

Senators: ERWIN of Oxford
DOW of Kennebec
SHUTE of Waldo

Representatives: POULIOT of Lewiston
THERIAULT of Fort Kent
SOUCY of Kittery
MCPHERSON of Eliot

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

Signed:

Representatives: STROUT of Corinth
MACOMBER of South Portland
CALLAHAN of Mechanic Falls
MOHOLLAND of Princeton
CAHILL of Woolwich
MILLS of Bethel

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-485) READ and ADOPTED.

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

Sent down for concurrence.

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:

SECOND READERS

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

House As Amended

Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age"
H.P. 1592 L.D. 2245
(C "A" H-694)

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

Senate

Bill "An Act Making Appropriations from the General Fund and Allocations from 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" (Emergency)
S.P. 948 L.D. 2375

Resolve, to Compensate John P. Taylor of Augusta as Personal Representative of the Estate of Sharon Taylor, also of Augusta
S.P. 949 L.D. 2376

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund"
S.P. 695 L.D. 1781
(C "A" S-481)

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

Reported that the same Ought to Pass in New Draft under same title.
H.P. 1689 L.D. 2379

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.

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

The Committee on TAXATION on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1986-87" (Emergency)
H.P. 1549 L.D. 2188

Reported that the same Ought to Pass in New Draft under same title (Emergency).
H.P. 1691 L.D. 2382

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.

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

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 JUDICIARY on Bill "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" H.P. 1182 L.D. 1679

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Post-conviction Bail"

H.P. 1688 L.D. 2378

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.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE READ A SECOND TIME and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

The Committee on JUDICIARY on Bill "An Act to Permit Assessment of a Reimbursement Fee against Jail Prisoners to Help Defray the Costs of Incarceration" H.P. 1381 L.D. 1949

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Permit Assessment of a Reimbursement Fee against Prisoners in County Jails to Help Defray the Costs of Incarceration and to Permit the State and Counties to Recover Prisoners' Medical Costs"

H.P. 1687 L.D. 2377

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.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE READ A SECOND TIME and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

ORDERS OF THE DAY

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

Joint Resolution Requesting the Public Utilities Commission to Reduce Certain Fuel Adjustment Rates H.P. 1685

Tabled - April 11, 1986, by Senator CLARK of Cumberland.

Pending - ADOPTION

(In Senate, April 11, 1986, READ.)

(In House, April 11, 1986, READ and ADOPTED.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-486) READ.

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

Senator BALDACCI: Mr. President and Members of the Senate. Very briefly, to go over this particular Resolution, there had to be a clarification in order to be in conformance with the statutory process of the Public Utilities Commission, so that they would be in concurrence with that statutory process. The second thing, is for your information, after making a summary investigation, the Commission is satisfied that sufficient grounds exist to warrant a formal investigation to the rates currently being collected by Bangor Hydro Electric Company, and has, therefore, ordered an investigation, and it was signed the tenth day of April, 1986. They have also, as far as the other two major utilities, Central Maine Power Co. and Maine Public Service, for your information on the action of the complaint signed by Bruce Reeves, and received at the Commission on April 4, 1986. The Commission has requested that the Utilities supply answers to that effect and ordered it on the seventh day of April 1986, a stipulated agreement that the Maine Public Service Corporation is signing into with the staff of the Commission. They are looking to down the fuel adjustment rate by 2.1 million dollars. Those are the three major utilities and hopefully will be able to have an immediate increase in that particular clause of the electric bill. Your action here today will put that into force in this Resolve, by getting them to act by May 19, 1986.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-486) ADOPTED.

Which was ADOPTED as Amended in NON-CONCURRENCE.

Sent down for concurrence.

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

An Act Relating to Boards and Commissions
H.P. 1614 L.D. 2269
(H "A" H-657; S "A"
S-446; S "B" S-448)

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

Pending - ENACTMENT

(In House, April 11, 1986, PASSED TO BE ENACTED.)

(In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-657) AND SENATE AMENDMENTS "A" (S-446) AND "B" (S-448).)

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

HELD BILL

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

Senator VIOLETTE Is the Senate in possession of L.D. 2045?

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 the Senate RECEDED and CONCURRED on:

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency)

S.P. 813 L.D. 2045
(H "A" H-684 to C "A"
S-443; S "A" S-459)

(In Senate, April 11, 1986, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-684) thereto, AND SENATE AMENDMENT "A" (S-459), in concurrence.)

On further motion by same Senator, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Senate Amendment "A" (S-459).

On further motion by same Senator, Senate Amendment "A" (S-459) INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. This amendment is no longer necessary because of the other amendment that we place on and we neglected to remove this amendment. Thank you.

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

Sent down for concurrence.

On motion by Senator BERUBE of Androscoggin ADJOURNED until Saturday, April 12, 1986, at 9 o'clock in the morning.