

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
Saturday
April 12, 1986

Senate called to Order by the President.

Prayer by the Honorable Larry M. Brown of Washington.

SENATOR BROWN: Would you be in a state of prayerfulness.

Our Father who art in Heaven; hallowed by Thy name in these halls today.

Father, as we approach these final days and hours, we pray especially for wisdom. Help us show patience toward each other and understand and respect.

Help us to know and appreciate the task that we have. Help us to remember we have been placed where we are for reasons we do not always figure out, but that it is a part of a scheme greater than we. Help us to show mercy and compassion those who depend on us. Especially, Oh Lord, keep in our inner most fibers the love toward each other and You, that surpasses all understanding.

And finally, our Father, let us live each day a bit closer to the image of perfection, that we find in our Saviour.

We pray in the name of Him, who set us a way to live. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1681 L.D. 2368
(S "B" S-480; S "C"
S-482)

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

In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "B" (S-480) AND "C" (S-482) in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on EDUCATION on Bill "An Act to Reorganize the Delivery of Vocational Education in Northern Aroostook County" (Emergency)
H.P. 1632 L.D. 2303

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

H.P. 1692 L.D. 2383

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Relating to Air Emission Licenses in Nonattainment Areas" (Emergency)

H.P. 1634 L.D. 2307

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

H.P. 1693 L.D. 2384

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.

Which Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Ought to Pass in New Draft under New Title

The Committee on EDUCATION on Bill "An Act to Change the Name of the University of Maine to the State University of Maine and to Clarify the Public Policy on Higher Education"

H.P. 1665 L.D. 2347

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Change the Name of the University of Maine"

H.P. 1694 L.D. 2385

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.

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

Senator WEBSTER: I would like to pose a question through the Chair. Could I ask someone who would have knowledge on this issue, as to whether this is a unanimous report, and exactly what this legislation does?

THE PRESIDENT: The Chair would answer to the first question, that it is a unanimous report, as it appears on the calendar.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Members of the Senate. The rather massive document, this particular Bill, has been distributed to you. As a matter of fact, it is about 40 pages long. All this does, is as the Statement of Fact reads, and the purpose of this Bill is to change and designate the University of Maine as the University of Maine System. All this does, is to allow the University of Maine at Orono to become the University of Maine, and the rest of it to become the University of Maine System.

That was necessary in order to allow that name change. There is nothing else of substance, at all, in this Bill. The original bill that came in, did have a number of features in it, which the Committee did not have a great deal of time to look over. So, as a result, we put everything aside and simply dealt with the name change, and the name change only. There is nothing else in the bill except that.

Off Record Remarks

The Committee on TAXATION on Bill "An Act Concerning Additional Administrative Changes in Maine Tax Laws"

H.P. 1472 L.D. 2075

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Providing for Administrative Changes in Maine Tax Laws"

H.P. 1690 L.D. 2381

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

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 Making Supplemental Appropriations from the General Fund to the Judicial Department for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

S.P. 659 L.D. 1697

Ought to Pass As Amended

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,100,000 for Armory Expansion, Rehabilitation and Construction"

S.P. 925 L.D. 2312

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-488).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-488) READ and ADOPTED.

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

Ought to Pass in New Draft

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Certain Judicial Department Collective Bargaining Agreements and to Fund and Implement Salary Increases and Benefits for Judicial Department Employees Excluded from Collective Bargaining" (Emergency)

S.P. 693 L.D. 1779

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

S.P. 951 L.D. 2386

Which Report was READ and ACCEPTED.

Senate at Ease

Senate called to order by the President.

The Bill in NEW DRAFT READ ONCE.

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

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

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Resolve, to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State

H.P. 1377 L.D. 1940

Have had the same under consideration and ask leave to Report that the Senate RECEDE from ACCEPTANCE of the Majority OUGHT NOT TO PASS Report. ACCEPT the Minority OUGHT TO PASS Report. READ the Resolve ONCE. READ and ADOPT Committee of Conference Amendment "A" (S-487). Suspend the Rules and READ the Resolve a SECOND TIME and PASS the Resolve TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-487) in NON-CONCURRENCE.

That the House RECEDE and CONCUR with the Senate.

Signed on the part of the Senate:

Senator TRAFTON of Androscoggin
Senator DOW of Kennebec

Signed on the part of the House:

Representative BAKER of Portland
Representative CONNOLLY of Portland
Representative HIGGINS of Scarborough

Which Report was READ and ACCEPTED.

The Senate RECEDED from ACCEPTANCE of the Majority OUGHT NOT TO PASS Report.

The Minority OUGHT TO PASS Report ACCEPTED.

The Resolve READ ONCE.

Committee of Conference Amendment "A" (S-487) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Clarify Public Rights to Use the Intertidal Zone"

S.P. 758 L.D. 1922

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Confirm and Recognize Public Trust Rights in Intertidal Land" S.P. 950 L.D. 2380

Signed:

Senators: CARPENTER of Aroostook
CHALMERS of Knox

Representatives: KANE of South Portland
COOPER of Windham
PRIEST of Brunswick
ALLEN of Washington
PARADIS of Augusta
CARRIER of Westbrook

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

Signed:

Senator: SEWALL of Lincoln

Representatives: LEBOWITZ of Bangor
DRINKWATER of Belfast
STETSON of Damariscotta
MACBRIDE of Presque Isle

Which Reports were READ.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Maine Small Business and Job Development Program" S.P. 810 L.D. 2038

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Establish the Maine Business Opportunity and Job Development Program". S.P. 952 L.D. 2387.

Signed:

Senators: PEARSON of Penobscot
BERUBE of Androscoggin
MCBREAIRTY of Aroostook

Representatives: MCGOWAN of Canaan
NADEAU of Lewiston
LISNIK of Presque Isle
SMITH of Mars Hill
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow

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

Signed:

Representatives: HIGGINS of Scarborough
FOSTER of Ellsworth
BELL of Paris

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE Report 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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements"

S.P. 895 L.D. 2250

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-489).

Signed:

Senators: PEARSON of Penobscot
BERUBE of Androscoggin
MCBREAIRTY of Aroostook

Representatives: MCGOWAN of Canaan
NADEAU of Lewiston
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow
LISNIK of Presque Isle

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-490).

Signed:

Representatives: HIGGINS of Scarborough
SMITH of Mars Hill
BELL of Paris
FOSTER of Ellsworth

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "A" (S-489) Report was
ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-489) READ and
ADOPTED.

The Bill LATER TODAY ASSIGNED FOR SECOND
READING.

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
Necessary for the Proper Operation of the Judicial
Department for the Fiscal Years Ending June 30, 1986,
and June 30, 1987." (Emergency)

S.P. 656 L.D. 1694

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

S.P. 953 L.D. 2390

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR
SECOND READING.

ORDERS OF THE DAY

On motion by Senator DOW of Kennebec, the
Senate removed from the SPECIAL HIGHWAY TABLE the
following:

An Act to Amend the Access Roads to Public Ski
Areas S.P. 652 L.D. 1684

Tabled - February 13, 1986, by Senator DOW of
Kennebec.

Pending - ENACTMENT

(In House, February 12, 1986, PASSED TO BE
ENACTED.)

(In Senate, February 4, 1986, PASSED TO BE
ENGROSSED.)

On further motion by same Senator, PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Senator DOW of Kennebec, moved to RECESS
until the sound of the Bell.

Senator DOW of Kennebec requested and received
Leave of the Senate to withdraw his motion.

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

On motion of Senator TWITCHELL of Oxford,
RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

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

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

On motion by Senator TUTTLE of York, 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

House

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,700,000 for Various Projects at the University of Maine"

H.P. 1639 L.D. 2311

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-697).

Signed:

Senators: PEARSON of Penobscot
BERUBE of Androscoggin

Representatives: NADEAU of Lewiston
MCGOWAN of Canaan
LISNIK of Presque Isle
CHONKO of Topsham
CARTER of Winslow
CONNOLLY of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-698).

Signed:

Senator: MCBREAIRTY of Aroostook

Representatives: SMITH of Mars Hill
FOSTER of Ellsworth
BELL of Paris
HIGGINS of Scarborough

Comes from the House with the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-698) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-698).

Which Reports were READ.

Senator PEARSON of Penobscot moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697) Report in NON-CONCURRENCE.

Senator MCBREAIRTY of Aroostook requested a Division.

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

Senator TUTTLE: Mr. President and Members of the Senate. I promise to be brief, or will try to be brief. From the caucuses that both parties had, I think there probably was a number of concerns expressed, not only about the Bond Issue, but about the educational funding, in general. I would like to share with this Body, a letter I received from the Director of the Southern University of Maine, in my area, and I think it expresses my concerns of what we might have in years to come. The letter says "Dear John, Thank you for the copy of Governor Brennan's March 20 remarks to the Legislature concerning higher education. Also, I appreciate your invitation to express what I think.

My problem with the Visiting Committee's view and funding is its' clear intent that Orono be (and be perceived) as a more deserving, therefore more endowed in all ways, campus.

In the first place, most State vitality is occurring in Southern Maine. If we are to meet public and private sectors' needs, we cannot do it long distance. My implications here are not only with the resources we need, but also with criteria offered. It is no secret that the Massachusetts Route 128 area, the New Hampshire Route 3 area, and California's Silicon Valley have experienced a great vitality since, in each of these situations, colleges and universities have been there to instigate and respond to academic and technical considerations.

Secondly, by concentrating 56% of new energies and monies at Orono, you are disproportionately servicing the traditional student at the expense of those students who may be personally and/or professionally advanced in years, but need access or updating.

That "education is a lifelong quest", there is no doubt. The University of Southern Maine, by implementing its mission as an urban, comprehensive university has, in my opinion, met the challenge of the 80's remarkably well, under the circumstances. Robert Woodbury's leadership has been visionary in many instances; yet our prescribed core in classical affairs maintains a proper balance so that the total individual has an opportunity for growth.

As was said at the York County 2,000 Conference, the 90's loom ahead to either scare or challenge us; I do hope we who are where it will be, will feel challenged. Thank you again. Sincerely, Lorraine D. Measure, Director."

And we, in York County and Southern Maine are sick of taking the shaft when it comes to educational funding in this State. I will probably support this Bond, but I do so with much reservation. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697) Report in NON-CONCURRENCE

A Division has been requested.

Will all those Senators in favor of the motion of Senator PEARSON of Penobscot to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697) Report, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697) Report, PREVAILS in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-697) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and 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:

SECOND READERS

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

House

Bill "An Act to Reorganize the Delivery of Vocational Education in Northern Aroostook County" H.P. 1692 L.D. 2383

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

Off Record Remarks

Bill "An Act Relating to Air Emission Licenses in Nonattainment Areas" (Emergency) H.P. 1693 L.D. 2384

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 to Change the Name of the University of Maine" H.P. 1694 L.D. 2385

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 Providing for Administrative Changes in Maine Tax Laws" H.P. 1690 L.D. 2381

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,100,000 for Armory Expansion, Rehabilitation and Construction" S.P. 925 L.D. 2312 (C "A" S-488)

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

Sent down for concurrence.

Off Record Remarks

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

SECOND READERS

Senate

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

Bill "An Act to Establish the Maine Business Opportunity and Job Development Program" S.P. 952 L.D. 2387

Bill "An Act Making Appropriations from the General Fund Necessary for the Proper Operation of the Judicial Department for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) S.P. 953 L.D. 2390

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements" S.P. 895 L.D. 2250 (C "A" S-489)

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

Sent down for concurrence.

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

Off Record Remarks

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

ENACTORS

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

Emergency

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 S.P. 948 L.D. 2375

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

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Provide Funds for School Construction Costs to Meet the Requirements of the Education Reform Law" H.P. 1650 L.D. 2328

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 to Provide Funds for School Construction Costs to Meet the Requirements of the Education Reform Act and for the Construction of an Activity Building at Augusta Mental Health Institute" H.P. 1695 L.D. 2388

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

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

Under suspension of the Rules, all matters previously acted upon, with the exception of those matters being 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

Joint Order

The following Joint Order: H.P. 1697

ORDERED, the Senate concurring that Bill, "AN ACT to Create a Paralytic Shellfish Poison Monitoring Program," H.P. 1307, L.D. 1823, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ.

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

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Community Education and Family Health Services" S.P. 835 L.D. 2124

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-494).

Signed:

Representatives: HIGGINS of Scarborough
CONNOLLY of South Portland
MCGOWAN of Canaan
NADEAU of Lewiston
CHONKO of Topsham
FOSTER of Ellsworth
BELL of Paris

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

Signed:

Senators: MCBREAIRTY of Aroostook
BERUBE of Androscoggin
PEARSON of Penobscot

Representatives: LISNIK of Presque Isle
C.W. SMITH of Mars Hill
CARTER of Winslow

Which Reports were READ.

Senator PEARSON of Penobscot moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Mr. President, Men and Women of the Senate. The sponsor of this particular bill, is the President of the Senate. He asked for a Leave to Withdraw. It requires 7 Members, in order to grant the Leave to Withdraw. Those people that you see appearing as Ought Not to Pass, originally signed the jacket, Leave to Withdraw, to grant him his wish. Since there were not 7, it has to appear by the Joint Rules, as Ought Not to Pass. Consequently, the motion Ought Not to Pass. Only twice, in my memory, being in the Legislature for 12 years, in my memory anyway, do I remember a person not being granted a Leave to Withdraw.

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

Senator GILL: Mr. President and Members of the Senate. I happen to be one of the cosponsors of that Bill, along with 2 other signers of the Majority Report. We're in the last days of the Session, and quite a few bills will end up on the Appropriations Table. Our wishes were that this bill end up on the Appropriations Table, with several other measures that are there already, and take its chances on the Table. There is a problem with teenage pregnancy in this State. Maine rates 9th in the whole country, as far as the teenagers that become pregnant. Many of you know that I have always been a proponent of pro-life throughout all of my legislative career, and in this Planned Parenthood Bill, it seems to me that if we do the preventive thing up front, then we won't have to worry about abortions and things down the road and we can handle it up front.

So, I thought that it should really take its chances on the Table, and I would ask for a Division.

Senator GILL of Cumberland requested a Division.

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

Senator PEARSON: Mr. President. Never, did I ever dream that I would be arguing with the Assistant Minority Leader on a Leave to Withdraw request, by the President of the Senate. Nevertheless, I find myself in that position, awkward as it may be. She neglects to tell you, in her argument dealing with this amount of money, I think it is about \$100,000, I really forget the amount. Yet, there is about \$3 million, somewhere between \$3 million and \$4,000 going into the program already.

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

Senator GILL: Mr. President. The problem with this, is there is money going into the program already, but if we don't fund this particular bill, it means that the programs that already exist are going to be shut down.

There are 5 programs that are on-going through the State of Maine right now, and if we don't fund them, they stop. So, that means not only will we not expand the program, but we will cut a program that we already have in place.

If you feel that you can cut that program, maybe we can be number 1 in something, but I don't think this is a situation that you want to be number 1 in, in the State of Maine.

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

Senator PEARSON: Mr. President. Men and Women of the Senate. It is true that there would be a very minor cut in the program caused because of a dwindling of Federal Funds from the Administration in Washington.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate. Never, did I ever think, that I would be disagreeing, not only with the Senate Chair of the Committee on Appropriations and Financial Affairs, but the distinguished Presiding Officer of the Maine Senate, on an issue as reflected in the Divided Report on Supplement Number 11. But, I am one of those who served as a Committee Chair, and during my 14 years of Legislative Service, I was the Committee Chair, or the Co-Chair of the Committee down stairs, in the infamous room 135, where Business and Commerce has resided legislatively speaking, for probably well over 2 decades, now.

Where, a bill that was introduced by a Member of the other Body, was requested, by the sponsor of that measure, a Leave to Withdraw from the Committee, then Business Legislation. Upon an investigation, and a research of the Rules, under which we operate, when a measure is referred from the two Chambers to the

Committee, it becomes the property of the Committee. By that I mean, that it is the Committee's decision whether or not it would grant a request of Leave to Withdraw. I respect the position of the Presiding Officer, as the prime sponsor of this measure, in his request to the Appropriations and Financial Affairs Committee, for Leave to Withdraw, and I respect the supportive discussion that we had relative to this issue. Respect, in this particular instance does not mean that I agree with the justification for the request for the Leave to Withdraw.

And, as is the case, not only among Legislators, but among Leadership occasionally, we part company. Not with any vehemence or any hard feelings, but with respect to varying positions on bills. It is well within the realm of this Legislature, and the Rules under which we operate, that occasionally, down through the years, a Committee would disagree with the request of the prime sponsor a Leave to Withdraw.

Particularly in this instance, when a cosponsor of the measure does not agree with the request of the Leave to Withdraw. I commend the Committee on Appropriations and Financial Affairs for realigning itself, as reflected in the Committee Report on Supplement Number 11, so we have the opportunity to address the issue.

Obviously, I am standing this afternoon, in support of the Ought to Pass Report. It is not as a Member of Leadership, but as a Senator from Senate District 26 and as a classroom teacher in a secondary school in the State of Maine. And, as a Senator from the area of Brunswick that is going to hold a Teenage Pregnancy Conference and Forum initiated by the students at Brunswick High School, the first of this coming week. I support the Majority Ought to Pass as Amended Report of the Committee.

This is not the time to cut back on this area of service, for not only the young people but the adults of this State. We have other issues before us during the waning days of the Legislature. Many of those are going to require severe cuts and down right disappointments. But, this bill, no less than any other, has a right to rise and fall on the Appropriations Table, for it addresses a dire need of the constituents, young and old, male and female, regarding the issue of sex education and education regarding family planning that is so sorely needed in our State. I would urge you to support the Majority Report this afternoon.

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

Senator BALDACCII: Mr. President and Members of the Senate. The issue of the process, in the procedure which establishes with the Committees, in laying in each of these individual Joint Standing Committees, a responsibility to review here and to debate and discuss these particular issues, and to at least give the particular Committee an ability to be able to be functioned in a sense with the Chairman in the Minority and Majority membership on that particular committee.

It is with that respect, that I am going to vote for the Minority Ought Not to Pass, recognizing that all 3 Senators have supported that particular position. Because I think it is a process here in the committees that have to be respected. It was with some difficulty, on this particular issue, even though I disagree, there must be some reasons for that. So, it is with that, that I am going to be supporting the Minority Ought Not to Pass Report.

Senator GILL of Cumberland requested and received Leave of the Senate to speak a third time.

Senator GILL: Thank you very much, Mr. President. As we debate this today, I appreciate the good Senator from Penobscot, Senator Baldacci, for bringing up the Committee and how it operates, but we also have Joint Rules that we operate within.

Under our Joint Rules, 158 does state that under a Leave to Withdraw, when a sponsor and all the cosponsors requested a Committee Report on a Leave to Withdraw, and a majority of those 7 or more of the Committee concur with the request of the Committee Report, shall the Leave to Withdraw be filed, or a Minority Report be filed.

The cosponsors did not, to my knowledge, were requested or were not contacted by the Committee or the Chairman of the Committee, to ask if they wanted to concur with the Leave to Withdraw. I think, as I stated earlier in my remarks, I, as cosponsor did not, but I think 2 Members of the Committee also intended to sign out the bill in a positive form.

Senator PEARSON of Penobscot requested and received Leave of the Senate to speak a fourth time.

Senator PEARSON: Mr. President, Men and Women of the Senate. I would like to present one additional piece of information that we had, I would like to share with you. That is that there is a Governor's Task Force which is supposed to issue a report on the expenditures of the money for this particular purpose, has not done so yet, and is expected to do so, if I remember correctly, within a month. That is, one of the reasons why they are going to be trying to figure out whether or not we are spending our money in the right places. That is one of the reasons why some of the people on the bill wanted it Ought Not to Pass, or Leave to Withdraw.

On motion by Senator GILL 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 PEARSON of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of the motion to Accept the Minority Ought Not to Pass 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, BALDACCI, BERUBE, BLACK, ERWIN, GAUVREAU, HICHENS, MCBREAIRTY, PEARSON, STOVER, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BROWN, BUSTIN, CHALMERS, CLARK, DOW, EMERSON, GILL, KERRY, MAYBURY, NAJARIAN, PERKINS, SEWALL, SHUTE

ABSENT: Senators, ANDREWS, CARPENTER, DIAMOND, KANY, MATTHEWS, TRAFTON, WEBSTER

EXCUSED: Senator DUTREMBLE

14 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 7 Senators being absent and 1 Senator being excused, the motion by Senator PEARSON of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report PREVAILS.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Implement Certain Recommendations of the State Compensation Commission"

H.P. 1567 L.D. 2217

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-699).

Signed:

Senators: BERUBE of Androscoggin
PEARSON of Penobscot

Representatives: MCGOWAN of Canaan
NADEAU of Lewiston
LISNIK of Presque Isle
CHONKO of Topsham
CONNOLLY of Portland
CARTER of Winslow

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

H.P. 1696 L.D. 2389

Signed:

Senator: MCBREAIRTY of Aroostook

Representatives: HIGGINS of Scarborough
C.W. SMITH of Mars Hill
BELL of Paris
FOSTER of Ellsworth

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-699) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699), in concurrence.

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

ORDERS OF THE DAY

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, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED its action whereby House Amendment "A" (H-657) was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-493) to House Amendment "A" (H-657) READ and ADOPTED.

House Amendment "A" (H-657) as Amended by Senate Amendment "A" (S-493), thereto ADOPTED in NON-CONCURRENCE.

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

On further motion by same Senator, the Senate RECONSIDERED its action whereby Senate Amendment "B" (S-448) was ADOPTED.

On further motion by same Senator, Senate Amendment "B" (S-448) was INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

Bill "An Act Providing for Administrative Changes in Maine Tax Laws"

H.P. 1690 L.D. 2381

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

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 12, 1986, READ A SECOND TIME.)

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

On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-497) 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.

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

Bill "An Act Relating to Air Emission Licenses in Nonattainment Areas" (Emergency)
H.P. 1693 L.D. 2384

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

Pending - PASSAGE TO BE ENGROSSED.

(In Senate, April 12, 1986, READ A SECOND TIME.)

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

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-496) READ and ADOPTED.

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

Senator BROWN: Thank you, Mr. President. I would just like to ask a question if I may, concerning this particular bill. Is this the bill that was originally put in to change the air quality standards for the State of Maine? That is the first question.

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 that same Senator.

Senator BROWN: Mr. President. Perhaps I didn't make myself very clear in terms of asking the question. There has been several issues that have come along in recent days and weeks, concerning what

might be termed as fall out from the Big "A" decision, that was made some time ago, in this Chamber. At one point there was a bill floating about which was going to change the air quality standards for the entire State, in order for a certain paper company to be able to get a air quality permit, to put in a new boiler. Is this the bill we're talking about? And if so, could someone explain? If this is not the bill, perhaps someone could explain what this bill, in fact, is.

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

Senator USHER: Thank you, Mr. President. In response to the good Senator from Washington, Senator Brown. This bill was sponsored by part of the delegation from Washington County, because it pertains to a paper mill in Washington County. The paper company has put in an application on March 10th, which is a full month away. Their application was incomplete and their application is being reviewed.

The air quality that was involved was things that happened in the past 5 or 6 years. Problems that they have around the mill. A lot of the paper mills throughout the State have experienced the same problem that they have today.

They have to clean up the area, because the area where the mill is situated, the highway is only 30 feet wide and the large trucks that approach the area are creating a dust problem. There are different sections of the mill, and most of the mills in this State are old mills, that have to be cleaned up to improve the air quality. The EPA people attended our hearings and the 3 different workshops which we held, pertaining to this bill. Everybody worked on a compromise. The Commissioner worked with the Committee people, also, and he agreed that he will work with the paper company. The community involved is Baileyville, which is in Washington County. They agreed to purchase a street sweeper, which is one of the biggest problems that they had, because of the dust problem in the area. The other air conditions were agreed to be met, during the application process. They are going to resubmit their application, and they assume it will all be in complete status. The total amount of this project is estimated to be around \$100 million dollars.

It is going to be a major project for the Washington County area, and help the economy, and probably Aroostook County also.

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

Senator BROWN: Thank you, Mr. President. I appreciate the comments of the good Senator from Cumberland, Senator Usher, concerning this issue. He is right in saying that that particular job that is being planned is very much needed in Washington County, and is going to benefit the area a great deal. I hope very much that it comes about. The ultimate question is, are we changing the air quality standards? Are we lowering the air quality standards, in order for this to happen? That is my question. Are we lowering the air quality standards in the State of Maine, for this to happen?

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 Cumberland, Senator Usher.

Senator USHER: Thank you, Mr. President. Presently, there are two boilers in operation. They are producing bad air quality. They want to build a new boiler. One boiler to cover these two. That will improve the air quality in the area. The standards will probably go down a little bit. Any new boiler will produce a lower air quality in the area.

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

Senator BROWN: Thank you, Mr. President. I guess this is the concern that I have. I am not sure that is the correct answer, completely, because I think that the ambient air quality is not going to be lessened because this new boiler is put in. It is my understanding that this bill is not going to lessen the air quality, for the residents that reside in that area.

They very much want this new boiler, and it is going to be very instrumental in helping Georgia Pacific be able to stabilize their operation, I am certain of that.

The point that I am concerned about, is to be absolutely certain that we are not lessening the air quality for the residents who reside in Baileyville, and surrounding communities as a result of this particular legislation. We're not lessening the air quality. That is my concern. I would move Indefinite Postponement of this legislation if we are, in fact, lowering the air quality.

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

Senator ERWIN: Mr. President. Ladies and Gentlemen of the Senate. Not knowing the engineering details of the proposed new boiler, but having worked in pulp and paper most of my adult life, I would say it would be most unusual if a brand new boiler, when it goes on line, and two old boilers are shut down, that the air quality in the area didn't improve.

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

Senator PEARSON: Mr. President. Men and Women of the Senate. Sometime ago, Lincoln Pulp and Paper in Lincoln went through a similar situation, as I understand Georgia Pacific is going through now. There was, in that particular community, a concern as there is in Baileyville, or Woodland. One of the things the people of Lincoln were told, was if you get above a certain number particulates in the air, you will not be able to operate this mill. One of those things that happens that causes particulates to be in the air is dust. The town of Lincoln was told that if they wanted the mill to qualify under the standards that we have, you will probably have to buy a street sweeper. Of course they did.

Some people had a little bit of a hard time relating a sweeper to a mill, but it was the number of particulates that were in the air. Senator Brown has posed a question as to whether or not this bill will lower the standards of the particulates in the air. I don't think an answer has been given, if it is lowering the standards. It seems to me the Maine Legislature should know about it. If they see it to be reasonable, vote for it, and if they find it not to be reasonable, don't vote for it.

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

Senator USHER: Mr. President. In response to the Senator from Washington Country, Senator Brown. No, it is not lowering the standards. All precautions are going to be taken of cleaning up the air emissions for the future development of the new boiler. They had problems in the past, and they are taking this opportunity to clean up all the things that have happened in the past 6 years. There were a lot of things around the area, and I am familiar with the area, too, because I have visited there. So, the improvements in the highway with a sweeper, and they are cleaning up old sections of the mill. It will improve the whole air quality in the area.

THE PRESIDENT: The Chair wishes to inquire of the Senator from Washington, Senator Brown, if he had made a motion to Indefinitely Postpone?

Senator BROWN of Washington, requested and received Leave of the Senate to speak a fourth time.

Senator BROWN: I really don't have a yes or no answer. Thank you, Mr. President. I'm really not making a motion to anything different than what the good Senator from Cumberland, Senator Usher has said. The thing I wanted to establish is that we are not lessening the air quality for the residents of the Town of Woodland. We're not lessening the air quality, and that we're not going here and making special exceptions for 1 particular paper company, that all the other paper companies of the State have had to abide by. That is the only thing that I wanted to be absolutely certain of. That this bill was not changing any of that.

The good Senator from Cumberland, Senator Usher has explained that. It is my understanding that the air quality will, in fact, improve and the application that is presently pending will, in fact, be given all the same considerations that every other application is given, that comes in. Thank you.

Senator USHER of Cumberland requested and received Leave of the Senate to speak a fifth time.

Senator USHER: Before we do vote, in answer to the good Senator from Washington Country, that is in the affirmative.

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

Sent down for concurrence.

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

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

Bill "An Act to Change the Name of the University of Maine"

H.P. 1694 L.D. 2385

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

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 12, 1986, READ A SECOND TIME.)

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

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

Senator BUSTIN: Mr. President, Ladies and Gentlemen of the Senate. I had an amendment prepared for this bill. I am not going to offer it because the work that I have been doing this morning tells me it is not germane. The same amendment is being prepared by a Member of the House and it will go on to the \$15 million dollar funding package, if the House is able to present that.

I also had that prepared for the \$15,000 package, or L. D. 2315, but I have to apologize to the Body, because I will have to leave this Chamber in 5 minutes, and I do not know how long I will be absent. Otherwise I would be defending my own motion. If I can prevail upon the Members to listen to me for just a moment, to give me a chance to say something about my concern for the University of Maine.

It is in relationship to this bill, only that the University of Maine at Orono name change, is a status change. It is to make the University at Orono look more like the flagship university that it, in fact, is. I have no objection to this bill. That is fine. The objection that I have, and what I am asking for, is that the University of Maine in Augusta is a Regional Baccalaureate Institution, offering 2 and 4 year programs. We do not have that status now. The Trustees haven't felt it incumbent upon them to make that change in our mission, and so I am asking that it be changed statutorily. If that amendment comes from the House, I would appreciate the support of it. It is important. This campus has been in existence for 20 years. We're still looked at as the stepchild of the system. You have baccalaureate degree granting institutions in

Machias, Fort Kent, Presque Isle, Farmington. The University of Maine at Augusta is the only campus that does not have that. Please understand that I am not asking for any Bachelors Degree programs, additionally to put in here.

We, in fact, do what this bill says we do. We simply do not have the 120 hour course, we only have the 102 hour course. So, I would appreciate the support of that amendment, if and when it does come down. Thank you.

Which was PASSED TO BE ENGROSSED, in concurrence.

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Ratify the Vote Converting Caswell Plantation to a Town"
H.P. 1698 L.D. 2391

Committee on LOCAL AND COUNTY GOVERNMENT suggested and ORDERED PRINTED.

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

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED in concurrence.

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

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Impose a Sales Tax on Certain Services"

H.P. 335 L.D. 450

Bill "An Act to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism"

H.P. 688 L.D. 974

Bill "An Act to Require the Payment of Sales and Use Tax on Isolated Transactions Involving the Sale of Pleasure Boats"

H.P. 1350 L.D. 1886

Bill "An Act Concerning the Insurance Premium Tax"

H.P. 1490 L.D. 2101

Bill "An Act to Remove the Sales Tax Exemption on the Purchase of Magazines and Other Periodicals"

H.P. 499 L.D. 702

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

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Prohibit Free Distribution and Establish a Warning Label and an Excise Tax for Smokeless Tobacco"

H.P. 1396 L.D. 1968

Bill "An Act to Make Certain Changes and Improve the Equity of Maine Tax Law" (Emergency)

H.P. 1603 L.D. 2261

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act Relating to the Administration of Preventable Disease Programs and the Bureau of Health"

H.P. 1651 L.D. 2329

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-701).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-701)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-701) READ and ADOPTED, in concurrence.

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

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

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
(S "B" S-480; S "C" S-482)

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

Pending - FURTHER CONSIDERATION

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "B" (S-480) AND "C" (S-482) IN NON-CONCURRENCE.)

(In House, April 11, 1986, that Body ADHERED.)

The Chair moved that the Senate RECEDE and CONCUR.

Senator BROWN of Washington requested a Division.

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.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending the motion to RECEDE and CONCUR. (Roll Call ordered)

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 matter:

ENACTORS

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

Emergency

An Act Relating to Day Treatment Services for Emotionally Disturbed Children

H.P. 1342 L.D. 1879
(C "A" H-679)

On motion by Senator PEARSON of Penobscot, placed upon 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 Relating to the Sales of Extended Cable Television Services

H.P. 1649 L.D.2326
(H "A" H-673)

On motion by Senator PEARSON 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 Authorize a Bond Issue for Androscoggin County to Raise Funds for Renovations to the County Building and County Jail

H.P. 1660 L.D. 2338
(H "A" H-674)

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

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

ENACTORS

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

Emergency

An Act to Fairly Apportion the Cost of Water System Extensions or Service Lines

H.P. 1672 L.D. 2357

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

Emergency

An Act to Consolidate the Charter and Increase the Debt Limit of the Dover and Foxcroft Water District

H.P. 1679 L.D. 2365

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

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

ENACTORS

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

Emergency

An Act to Fairly Apportion the Cost of New Water Utility Services

H.P. 1674 L.D. 2359

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

Emergency

An Act to Establish the Maine Vocational-Technical Institute System

S.P. 860 L.D. 2174
(C "A" S-465)

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

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

ENACTORS

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

An Act to Authorize the Payment of Retention and Recruitment Stipends in State Government

H.P. 1676 L.D. 2362

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

Emergency

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

S.P. 947 L.D. 2374

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

On motion by Senator PEARSON placed upon SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

ENACTORS

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

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 Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking

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

An Act to Strip Crime of its Profit

S.P. 847 L.D. 2139
(S "A" S-469; H "B"
H-591)

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 Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center

S.P. 822 L.D. 2082
(C "A" S-473)

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

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

S.P. 855 L.D. 2167
(C "A" S-456; S "A"
S-471)

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

An Act to Authorize Additional Facilities for Long-term Care

S.P. 913 L.D. 2280

On motion by Senator PEARSON of Penobscot placed upon 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:

An Act to Establish a Piscataquis County Budget Committee

S.P. 936 L.D. 2345
(H "B" H-677)

An Act to Improve Compliance with Maine Tax Laws

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

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 Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State

S.P. 945 L.D. 2371
(S "A" S-477)

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

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

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

Senator GAUVREAU: Thank you, Mr. President. Men and Women of the Senate. L. D. 2372 is the product of much of the work which the Committee on Human Resources has devoted this year, in the area of hospital regulation. If you will bear with me, during this long day, I would like to put some remarks into the Record. I would point out that at the outset of my remarks, that I know yesterday, that some 9 hospitals have filed suit in Federal District Court in Portland. I think that is a product of a good deal of frustration and concern regarding many hospitals, as far as the nature of the hospital regulation in the State of Maine.

We're certainly very sensitive to some legitimate concerns articulated by hospitals, and it is certainly hopeful that the reforms that we are going to be adopting in L. D. 2372 will be meaningful, and will be addressing some of the concerns which were set forth in that law suit, and hopefully will be able to move toward a more conciliatory regulatory environment in the future.

I would point out that L. D. 1272 addresses many areas of hospital regulation. The bill, as drafted, will allow an adjustment in the hospital's financial requirements for reasonable costs associated with a successful appeal of a possible Finance Commission decision.

This was a particular sore point which many hospitals expressed. Quite often there would be long and lengthy litigation associated with disagreements with the Commission, on what would be permissible adjustments to hospitals essential requirements. The Committee decided that it was appropriate in cases when hospitals did, in fact, succeed in appealing the Commission's decisions, that legitimate attorney's fees associated with those appeals, be allowed to be carried forward onto a hospital's financial requirements.

This bill will also exempt from prior Commission approval, the transfer of assets by hospitals, provided that either the transfer receives fair value in return, or if not, that transfer is within a certain, reasonable financial perimeter's, which will not jeopardize financial integrity of the institution, or hospital. The bill also will establish certain procedures for hospitals to obtain early determination, as to whether or not the affiliate interest portion of the hospital regulatory statute applies. It will also impose a certain temporal limitation to require more appropriate and more prompt decision making, by the Commission, as to whether or not the proposed spin-offs will be appropriate, or will be approved.

Also, significantly, the bill will require the Finance Commission to adopt rules by next November, which will apply directly to the affiliated interests of our statutes. I should point out that on page 5 of the bill, as drafted, on lines 13 and 14, the words "transfer or" appear. But, in fact, those should be one word, that is to say "transferer".

The meaning is obvious in the context, but the error should be noted for the Record. I am satisfied that this slight error can be cleaned up in a future errors bill, rather than by pinning an amendment at this point, in the process.

I had further comments regarding some of the cumbersome language on affiliated interests. One of the major changes this bill affects, applies to affiliated interests of hospital corporations. In considering this part of the bill, the Committee was required to balance various competing interests. Many hospitals, many of whom would propose a curtail, the Commission's authority in this area, serve the public purpose of providing for the acute health care needs of our population. But, also have goals as private corporations, which may be served by

establishing joint ventures, or other affiliated entities.

Now, on the other hand, when the cost of hospital care is under strain, virtually every Maine citizen is adversely affected, due to the increased tax burden arising from Government payments to hospital care, as well as the increased costs of health insurance premiums, paid by individuals, or the businesses who employ them. In revising the affiliated interest section of our statutes, the Committee has sought to balance these competing interests. It has, in fact, found responsible the responsible revision of the affiliated interests section can serve to protect and promote, both the private interests, and management, as well as the broad public interest in appropriate regulation, in this regard.

Hospital's have expressed legitimate concerns, that the existing language in our statute is so broad, it requires Commission approval, over a wide variety of innocuous transactions, with which the Commission should have no concern, and the existing broad language is open to so many interpretations that it is difficult for hospitals to plan business activities with any clear sense of which corporate arrangements would require a Commission review.

The Committee revisions to the affiliate interest section provide remedies for the concerns. At the same time, the Committee recognized the regulation of hospital corporate activity involving affiliate interest is an integral and essential feature of our cost control system. Without some degree of control regarding these transactions, or the transfer of function services or other assets from hospitals, the Legislature's efforts to establish reasonable limitations on the growth of hospital payments would be frustrated. The cost of operating hospitals could also be artificially inflated by purchases or sales between hospitals and related entities, at prices higher than those which would occur in an open market arrangement.

The Committee's revised language protects the integrity of the original regulatory structure by clarifying and limiting the Commission's prior approval authority.

Those transactions and arrangements which are of genuine public concern, because it does, by clarifying, as well as by limiting the Commission's authority, this bill does not simply compromise, or accommodate the competing interests, it actually advances both interests at the same time. The hospital's are provided with greater ability to predict the impact of regulation on business ventures, which they may be planning, to provide a greater freedom of action to pursue their appropriate corporate goals. The broad public interest in hospital cost control is advanced at the same time by reducing unnecessary friction between the Commission and the industry on matters of relatively little public significance, while clarifying the Commission's authority to review and improve those arrangements which, in fact, may have a serious public impact.

It should be emphasized that in the areas where the Commission does have authority to review and improve transactions, hospital efforts to diversify or expand are still possible, but the new law, like the old, was to require that hospitals present their corporate arrangements and transfers to the Commission, in order that their implications for the public interest understood, in light of their declared purposes of our act can be considered before those transactions are consummated. Thank you for your attention.

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

An Act to Provide Funds for the Teacher of the Year Program

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

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

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

ENACTORS

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

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

H.P. 1663 L.D. 2341
(H "A" H-666)

An Act to Strengthen the Organization of Emergency Medical Services

H.P. 1671 L.D. 2356

An Act to Authorize Certified Law Enforcement Officers to Prosecute Violations of Municipal Ordinances

H.P. 1677 L.D. 2363

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 Establish the Workers' Compensation Reinsurance Study Commission

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

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

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

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

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

An Act to Provide for a Study of Municipal Land Banks

H.P. 1675 L.D. 2361

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

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

ENACTORS

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

An Act to Provide a Liquor License for Auditoriums

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

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

An Act Relating to Retirement Benefits for Confidential State Employees

H.P. 1680 L.D. 2366

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Out of order and under suspension of the Rules, the Senate considered the following 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
(S "A" S-474; H "B" H-692)

ENACTORS

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

In House, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-692), in NON-CONCURRENCE.

Emergency Resolve

Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees

S.P. 934 L.D. 2343
(S "A" S-475)

In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-692) AND SENATE AMENDMENT "A" (S-474), in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

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

The Senate RECEDED and CONCURRED.

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements"

S.P. 895 L.D. 2250
(C "A" S-489)

Senator PEARSON: Mr. President, Men and Women of the Senate. If everyone of us tried to reach back into the earliest part of our childhood memories, one of my childhood memories was of a lady that lived next door to me in the Town of Milford, who said "I will never, ever vote for Franklin Roosevelt again", and I remember my next memory, I guess, political memory in my youth was that very same woman, on the 12th day of April, 1945, crying because Franklin Roosevelt had died at Warm Springs in Georgia. That portrait in the back of this room, is called "The Unfinished Portrait", which was being painted of Franklin Roosevelt at Warm Springs, on that occasion. It had been worked on a week before that. I didn't want this day to pass without remembering that this was the anniversary of his death.

In Senate, April 12, 1986, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489).

Comes from the House, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

Non-concurrent Matter

COMMITTEE REPORTS

Bill "An Act to Establish the Maine Business Opportunity and Job Development Program"
S.P. 952 L.D. 2387

Senate

Ought to Pass in New Draft under New Title

In Senate, April 12, 1986, PASSED TO BE ENGROSSED.

Senator ANDREWS for the Committee on STATE GOVERNMENT on Bill "An Act to Provide More Cost Effective Data Processing in the Executive Branch"
S.P. 832 L.D. 2106

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-703) in NON-CONCURRENCE.

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel"
S.P. 954 L.D. 2392

The Senate RECEDED and CONCURRED.

Which Report was READ and ACCEPTED.

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

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

ENACTORS

Under suspension of the Rules, the NEW DRAFT READ A SECOND TIME.

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

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

An Act to Ratify the Vote Converting Caswell Plantation to a Town
H.P. 1698 L.D. 2391

ORDERS OF THE DAY

An Act to Provide Appropriate Penalties for Violations of Milk Commission Statutes and to Provide for Administrative Enforcement
H.P. 1585 L.D. 2232
(H "A" H-693; C "A" H-648)

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

Joint Order Recalling H.P. 1307, L.D. 1823, to the House
H.P. 1697

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

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

Pending - PASSAGE

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

(In Senate, April 12, 1986, READ.)

(In House, April 12, 1986, READ and PASSED.)

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

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President. I would appreciate the information from anyone in the Chamber who might have more information as to why this is being recalled.

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

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

The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Thank you, Mr. President. I would be glad to attempt an explanation, because I too, had to go looking for one. This is a bill that was introduced early in the Session, "An Act to create a paralytic shell fish monitoring program". It was put in by Representative Vose of Washington County. It had to do with quohogs, and monitoring the red tide in quohogs. It was assumed early in the Session, that there was a heavy appropriations that would have to be made. Then there was another letter received in an even heavier appropriations was going to have to be made, and therefore I believe that this came from the Appropriations Committee, and they moved Leave to Withdraw. We had now since found out that it is revenue neutral and I have talked with both Representative Vose and Representative Carter who say that this is revenue neutral, and therefore have asked to bring it back.

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

Senator SEWALL: Thank you, Mr. President. I would like to pose a further question through the Chair. How is it revenue neutral? How does that work?

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

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

The Chair laid before the Senate 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 12, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion to RECEDE and CONCUR (Roll Call Ordered)

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "B" (S-480) AND "C" (S-482) in NON-CONCURRENCE.)

(In House, April 11, 1986, that Body ADHERED.)

Senator BROWN of Washington requested and received Leave of the Senate to withdraw his motion for a Roll Call.

The Senate RECEDED and CONCURRED.

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

Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel" S.P. 954 L.D. 2392

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

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 12, 1986, READ A SECOND TIME.)

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator TUTTLE of York RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

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

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

On motion by Senator PERKINS of Hancock, RECESSED until the sound of the bell.

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

After Recess

Senate called to order by the President.

COMMITTEE REPORTS

House

Ought to Pass

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Supplemental Appropriations from the General Fund to Implement the Recommendations of the Visiting Committee to the University of Maine and for Other Purposes for the Fiscal Year Ending June 30, 1987" (Emergency) H.P. 1641 L.D. 2315

Reported that the same Ought to Pass.

Senator BUSTIN for the Committee on BUSINESS AND COMMERCE on Bill "An Act to Strengthen Professional Regulation"

S.P. 842 L.D. 2134

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

S.P. 956 L.D. 2396

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-700) AS AMENDED BY HOUSE AMENDMENTS "F" (H-711) AND "G" (H-713).

Which Report was READ and ACCEPTED, in concurrence.

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill READ ONCE.

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

House Amendment "A" (H-700) READ.

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

House Amendment "F" (H-711) to House Amendment "A" (H-700) READ and ADOPTED, in concurrence.

House Amendment "G" (H-713) to House Amendment "A" (H-700) READ and ADOPTED, in concurrence.

Senator BROWN for the Committee on EDUCATION on Bill "An Act to Implement an Inflation Factor in the School Construction Law"

S.P. 929 L.D. 2322

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

S.P. 955 L.D. 2395

House Amendment "A" (H-700) as Amended by House Amendments "F" (H-711) and "G" (H-713), thereto ADOPTED, in concurrence.

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

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

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

ORDERS OF THE DAY

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

Bill "An Act Relating to the Passamaquoddy Indian Reservation"

H.P. 1210 L.D. 1717

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 7, 1986, READ A SECOND TIME.)

(In House, April 3, 1986, PASSED TO BE ENGROSSED.)

On motion by Senator PEARSON of Penobscot, Senate Amendment "B" (S-500) READ.

The Chair recognizes that same Senator.

Senator PEARSON: Mr. President, Men and Women of the Senate. For the Record, once again, the State of Maine is exercising its' right, under the Indian Land Claims Settlement Act, which was signed by the Federal Government, and signed by the State, ratified by the 2 tribes. We have a right to allow them to purchase land from willing sellers in a territory that the State delineates and that they accept. This particular amendment, which I am offering to the Indian ability to purchase, is for the Passamaquoddy Tribe, and some of it includes that area in what is now being reviewed as a possible high level nuclear site, the Bottle Lake area.

Most of the area that is under consideration right now is either owned by the Indian Tribes, or they have a right to buy the land, and this gives them the right to buy a little more of that land, to make that site a little safer from the encroachment of the Federal Energy Department.

On motion by Senator PEARSON of Penobscot, Senate Amendment "B" (S-500) ADOPTED.

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

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

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

SENATE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Clarify Public Rights to Use the Intertidal Zone"

S.P. 758 L.D. 1922

Majority Report - Ought to Pass in New Draft under New Title.

S.P. 950 L.D. 2380

Minority Report - Ought Not to Pass.

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

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, April 12, 1986, Reports READ.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

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

Joint Order Recalling H.P. 1307, L.D. 1823, to the House

H.P. 1697

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

Pending - PASSAGE

(In Senate, April 12, 1986, READ.)

(In House, April 12, 1986, READ and PASSED.)

Pursuant to Joint Rule 15, this Joint Order requires a two-thirds vote of those Members present and voting for PASSAGE. 23 Senators having voted in the affirmative and 1 Senator having voted in the negative and 23 being more than two-thirds of those Members present and voting the Joint Order was PASSED, in concurrence.

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

ENACTORS

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

Emergency Resolve

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

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

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

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

ENACTORS

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

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

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

An Act Concerning Post-conviction Bail
H.P. 1688 L.D. 2378

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

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

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. 1689 L.D. 2379

On motion by Senator DOW of Kennebec, placed upon SPECIAL HIGHWAY APPROPRIATIONS TABLE, pending ENACTMENT.

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

ENACTORS

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

Emergency

An Act to Clarify the Authority of Harbor Masters

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

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

Emergency

An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome

S.P. 943 L.D. 2367
(H "C" H-695)

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

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

ENACTORS

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

Emergency

An Act to Fund and Implement Certain Judicial Department Collective Bargaining Agreements and to Fund and Implement Salary Increases and Benefits for Judicial Department Employees Excluded from Collective Bargaining

S.P. 951 L.D. 2386

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel"

S.P. 954 L.D. 2392

In Senate, April 12, 1986, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-721) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter

Bill "An Act Concerning Property Tax Assessment and Appeals"

H.P. 1678 L.D. 2364

In Senate, April 11, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-720) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1673 L.D. 2358

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

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-717) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Provide Community Education and Family Health Services"

S.P. 835 L.D. 2124

In Senate, April 12, 1986, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Comes from the House, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to the Social Worker Registration Law".

S.P. 948 L.D. 2370

In Senate, April 11, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-712) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter

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

H.P. 1583 L.D. 2229

(C "A" H-662)

In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662) in concurrence.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662) AS AMENDED BY HOUSE AMENDMENT "A" (H-715), thereto AND HOUSE AMENDMENT "A" (H-696) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

On motion by Senator VIOLETTE of Aroostook the Senate RECONSIDERED its action whereby it RECEDED and CONCURRED on:

Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel"

S.P. 954 L.D. 2392
(H "A" (H-721))

(In Senate, April 12, 1986, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-721).)

(In House, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-721), in NON-CONCURRENCE.)

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

Senate at Ease

Senate called to order by the President.

Senator PEARSON of Penobscot, moved the Senate RECONSIDER its action whereby it RECEDED and CONCURRED on:

Bill "An Act to Provide Community Education and Family Health Services"

S.P. 835 L.D. 2124
(C "A" S-494)

(In Senate, April 12, 1986, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494), in concurrence.)

(In House, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494), in NON-CONCURRENCE.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending motion of Senator Pearson of Penobscot to RECONSIDER whereby the Senate RECEDED and CONCURRED.

On motion by Senator VIOLETTE of Aroostook, the Senate voted to RECONSIDER its action whereby it RECEDED and CONCURRED on:

Bill "An Act Relating to the Social Worker Registration Law".

S.P. 948 L.D. 2370
(H "A" H-712)

(In Senate, April 12, 1986, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-712).)

(In House, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-712), in NON-CONCURRENCE.)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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)

In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472).

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472) AS AMENDED BY HOUSE AMENDMENT "A" (H-705), thereto AND HOUSE AMENDMENT "A" (H-717) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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)

In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-675), IN CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENTS "A" (H-675) AND "B"
(H-718) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Off Record Remarks

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

Senator TWITCHELL of Oxford was granted
unanimous consent to address the Senate Off the
Record.

On motion by Senator TWITCHELL of Oxford,
ADJOURNED until Monday, April 14, 1986, at 9:00 in
the morning.