

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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ORDERS OF THE DAY

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

In Senate Chamber
Tuesday
April 15, 1986

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Restore Retirement Credit to Employees Previously Receiving such Credit
H.P. 1642 L.D. 2320
(C "A" H-663)

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663), in concurrence.)

On further motion by same Senator, 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, Senate Amendment "A" (S-531) READ and ADOPTED.

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

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Commercial Vehicles"
S.P. 914 L.D. 2282
(C "A" S-484)

In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484).

Senate called to Order by the President.

Prayer by Minister Roddy Chestnut of the Augusta Church of Christ in Augusta.

MINISTER CHESTNUT: Let us pray. Our God and Father, we pause at the beginning of this Legislative Day to recognize You, who You are and what You do among men. Father we thank You for the beauty of this day and the glory of Your creation in which we are reminded now at this time of Spring. We recognize Your claim in our life by virtue of You having created us. Father we thank You for this Nation, for what it stands, for the people who have made this nation what it is, for those who have died for it, and for those lawmakers, both on the State and National level, who preserved our freedom and made our way of life what it is today.

Father we ask right now, a particular blessing on this Session of the Maine Senate, we pray that You will grant them a measure of Your wisdom. Help them to feel the heaviness of the responsibility that they have in representing the people of the State of Maine, and they make laws that will benefit all of us. Through Jesus Christ's name we pray. Amen.

Reading of the Journal of Yesterday.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484) AS AMENDED BY HOUSE AMENDMENT "A" (H-733), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

THE PRESIDENT: In reference to the action of the Senate on April 11, 1986, whereby the Senate INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE on:

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

H.P. 1579 L.D. 2228

The Chair will appoint the following as conferees on the part of the Senate:

Senator ANDREWS of Cumberland
 Senator KERRY of York
 Senator HICHENS of York

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
 ONE HUNDRED AND TWELFTH LEGISLATURE

April 14, 1986

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

Dear President Pray:

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

Total number of bills received	62
Unanimous reports	56
Leave to Withdraw	21
Ought to Pass	6
Ought Not to Pass	5
Ought to Pass as Amended	16
Ought to Pass in New Draft	8
Divided reports	5
Carry Over (L.D. 2373) - Approved by Joint Order H.P. 1699	1

Respectfully submitted,

S/Michael D. Pearson
 Senate Chair

S/Donald V. Carter
 House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND TWELFTH LEGISLATURE

April 11, 1986

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

Dear President Pray:

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

Total number of bills received	38
Unanimous reports	27
Leave to Withdraw	5
Ought to Pass	3
Ought Not to Pass	6
Ought to Pass as Amended	6
Ought to Pass in New Draft	7
Divided reports	11

Respectfully submitted,

S/Ronald E. Usher
Senate Chair

S/Michael H. Michaud
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND TWELFTH LEGISLATURE

April 14, 1986

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

Dear President Pray:

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

Total number of bills received	24
Unanimous reports	23
Leave to Withdraw	5
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	9
Ought to Pass in New Draft	5
Divided reports	1

Respectfully submitted,

S/Larry M. Brown
Senate Chair

S/Ada K. Brown
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND TWELFTH LEGISLATURE

April 14, 1986

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

Dear President Pray:

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

Total number of bills received	26
Unanimous reports	24
Leave to Withdraw	7
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	9
Ought to Pass in New Draft	7
Divided reports	2

Respectfully submitted,

S/Richard L. Trafton
Senate Chair

S/Polly Reeves
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON BUSINESS AND COMMERCE
ONE HUNDRED AND TWELFTH LEGISLATURE

April 14, 1986

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

Dear President Pray:

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

Total number of bills received	59
Unanimous reports	54
Leave to Withdraw	16
Ought to Pass	8
Ought Not to Pass	2
Ought to Pass as Amended	11
Ought to Pass in New Draft	17
Divided reports	5

Respectfully submitted,

S/Beverly Miner Bustin
Senate Chair

S/Joseph C. Brannigan
House Chair

Which was READ and ORDERED PLACED ON FILE.

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Create the Family Division of the District Court and to Establish Full-time, Appointed Probate Judges" (H.P. 1504) (L.D. 2119).

Sincerely,

S/Edwin H. Pert
Clerk of the House

The Following Communication:

COMMITTEE ON TAXATION
ONE HUNDRED AND TWELFTH LEGISLATURE

April 14, 1986

Which was READ and ORDERED PLACED ON FILE.

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

Dear President Pray:

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

Total number of bills received	51
Unanimous reports	46
Leave to Withdraw	8
Ought to Pass	4
Ought Not to Pass	11
Ought to Pass as Amended	8
Ought to Pass in New Draft	15
Divided reports	5

Respectfully submitted,

S/R. Donald Twitchell
Senate Chair

S/John A. Cashman
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

April 14, 1986

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

ORDERS OF THE DAY

The following matters, in consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 29.

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) 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 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, April 12, 1986, PASSED TO ENGROSSED.)

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

On motion by Senator ANDREWS of Cumberland the Senate RECEDED.

House Amendment "A" (H-721) READ and ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-527) READ.

On further motion by same Senator, Senate Amendment "A" (S-530) to Senate Amendment "A" (S-527) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ANDREWS: Mr. President, Men and Women of the Senate. The two amendments that I just offered were more technical in nature. One of them provided a fiscal note to this Bill, the latter one. The one before, that brought some technical amendments to this piece of legislation. If you haven't taken a look at this Bill, you probably will want to. It is the thickest one that you have at your desk. This was a major piece of work from the Joint Standing Committee on State Government. It is the product of our consideration, of our three major areas of State Government. One had to do with the reorganization of State Government that came as a result of a concern for the data processing needs of the state, to modernize the operation of State Government, to make it more efficient and more effective, and to develop a coordinated use of data processing. As you can well imagine, with the various bureaus, departments, agencies and offices of State Government around the State, all facing the need to modernize their information system. The need for coordination among those departments, bureaus and agencies is extremely great, particularly when you have issue after issue, that we discuss and debate here in the Legislature, that involves more than one department. What happened was the Governor established a task force, called the Governors Management Task Force on data processing in State Government, the make up of this Task Force was largely individuals from the private sector who work in, not only data processing, but management organization.

We asked that task force to get together and take a hard, thorough look at State Government, it's organization, the assets and liabilities to various approaches to the problem of data processing and coordination of data processing. We asked them to file a comprehensive report providing us with a critique and analysis, as well as some recommendations for action, based upon their successful models in the private sector. They came to the State Government Committee here with a very comprehensive report. They said if you are going to modernize and make efficient your data processing system, and make major investments in that system, then you are going to have to deal with the question of reorganization of State Government and better coordination among the bureaus, agencies and departments. The Bill before us is the product of the recommendations of that Task Force, combined with some extensive study and discussion among the State Government Committee, and various departments and agencies in State Government.

What essentially we have is the creation of the Department of Finance, which is going to consist of the Bureau of Budget, the Bureau of Accounts and Control, the Bureau of Taxation, the Bureau of the Lottery, and the Bureau of Alcoholic Beverages. We also have split off from the Finance Administration, we have two departments that will be created. The second department is the Department of Administration, which will include the Office of Information Services, the Bureau of Data Processing, the Bureau of Human Resources, which will be effective on July 1, 1987, the Bureau of Employee Relations, the Bureau of State Employee Health, the Bureau of Public Improvements, the Bureau of Purchases, the Division of Risk Managements, and the Board of Trustees of Group Accident and Sickness or health insurance.

The Department of Finance will consist of organizations that either produce revenue for the General Fund, or define the General Fund income and expenditures. The Department of Administration consists of those aspects of State Government designed to perform services for State Agencies and Departments. These services are primarily common administrative types of services needed by all state agencies such as the purchase of materials and equipment, construction or renovation of facilities and data processing. So we made the basic division within Finance and Administration and focused those two new departments, in those two respective areas, so we could have better coordination and a more efficient system.

With respect to data processing, which got this whole thing rolling, we are talking about the centralization of purchase or acquisition of data processing equipment and software. I think it probably goes without saying why we need to have that centralization of services, you don't want one department making a major investment in one type of data processing system, and then have another department making another major investment in a different type of data processing system. You want to have a data processing system that can be coordinated and be a basic link up between departments. That is what this Bill is going to do.

It is also going to provide for supervision of data processing activities. It is going to provide for the coordinated implementation of training programs for data processing personnel, computer program personnel and systems analysis. It calls for the creation of a comprehensive master plan for data processing to include plans to develop by each department and agency of State Government. That brings those departments and agencies together to develop that master plan so that we can have a maximum input from those departments and agencies, so the system is going to meet their needs, but at the same time we have the same kind of coordination that will make an integrated system work. We are going to establish a creation of standards for data processing, the Bill creates the Information Services Policy Board, which is going to serve as a policy making body with respect to this new data processing system.

This specific Board is going to work with the Deputy Commissioner of Administration for Information Services, which is a new position that we are creating, and it is a highly demanding position. We are going to have very high standards for this position that we are creating, we are going to require an exceptionally well qualified professional. This person is going to be the quarterback, so to speak, for this new data processing system, and it is going to bring those departments and agencies together. It is going to bring this policy making body together, and it is going to coordinate the creation and implementation of this system. This Board, this Information Services Policy Board, will present it's findings and recommendations, as well as implementing legislation to the First Session of the next Legislature and we have a deadline for them of March 30, 1987.

In other words the Committee was concerned that the steps that we take in developing this system, allow for a maximum degree of input by the various departments, bureaus and agencies.

Let me be quite frank with you and tell you that there was tremendous concern among some of those departments and some of those agencies and personnel for this new system. They were concerned that there would be this new system developed that would not incorporate their needs, that would not be able to be used by their department, it would create problems and confusion in efficiencies, and they were very concerned about developing a system without their input to make certain that the system works for them. We took that input to heart, as a State Government Committee, and we said that the actual implementation of this system will not take place until, first of all, we have this Policy Board in place. Secondly, we have this key staff person that is going to coordinate this. Thirdly, we are going to allow for this entire system to be developed and then presented before implementation to the First Session of the next Legislature, so that it will allow us, as a Legislature, to provide our final stamp of approval, on the system, before it actually goes into full operation.

The Bill also proposes, as I said, there were three major elements here, one was the reorganization of data processing, the second was the issue of personnel. The State Government Committee made an extensive study of our personnel system beginning last year. They worked very hard and came up with a comprehensive piece of legislation dealing with our personnel system. This legislation creates the Bureau of Human Resources, that will be incorporated within the Department of Administration on July 1, 1987. The Bureau of Human Resources will act as a service agency, a personnel service agency, to all other state agencies with the emphasis of serving the needs of state agencies and state employees. The Bureau of Human Resources will be directed and staffed by persons qualified by education, training, and experience of management of personnel systems. In addition, the director and staff of the office will be subject to the political restrictions that currently apply to classified state employees. The Bureau will not engage in collective bargaining, but will serve as a resource for collective bargaining negotiations.

We felt that it was important to make that distinction, they would serve as a resource for those negotiations, but not actually be involved in those negotiations. The Director of Human Resources will be assisted by a policy review board which will act in an advisory capacity in some manners and serve as a policy making function in other areas. All of those areas are spelled out in this legislation. I won't take the time to do it here on the floor, but some of these aspects, I thought it was important for you to understand before we enact this Bill and also for the Record.

The Policy Review Board is going to examine, and we have a delayed date as you know, July 1, 1987, to allow this Policy Review Board to carefully examine and develop policies with respect to job classifications and reclassifications, with respect to job incentives, with respect to performance evaluation, with respect to training managers and superiors, and with respect to communications between management and labor. All of those areas were areas of concern identified by the personnel subcommittee of the State Government Committee and those concerns were identified by state personnel in a survey that we conducted last year. By the way, all of those areas will be studied and a program and a policy will be developed and presented again to us next year, allowing us time to take the action necessary to put this in place, and that bureau will not take place until July 1, 1987, to give us the chance to take any action that we feel necessary next year.

Finally, last but not least, the Bill creates the Bureau of State Employee Health, again within the Department of Administration. This Bureau will administer the employee assistance program and a health program for state employees. Another feature of this that ties into the personnel system and the reorganization system, and that is why we put this all in one comprehensive piece of legislation. This Bill will establish a labor management team to study job classifications with severe stress in the Department of Mental Health and Mental Retardation, Corrections, and in the Department of Human Services. These job classifications involve positions with severe retention problems, as well as, positions that create serious stress problems. We decided that we needed to look at this issue as a whole. We have problems recruiting people in these areas. There is a tremendous turnover rate because of the stress, and as many of you know who have been following the advances that the private sector has made in stress reduction, and health promotion and the dividends that those new programs are paying for the private sector, in terms of reduce loss work days, reduced liability, the State, we determined, was lacking in this area and we needed to take some very positive constructive steps to develop health promotion, disease prevention, stress reduction programs within this new comprehensive approach to the reorganization of State Government, and so we are going to do that within this Bureau of State Employee Health and establish this labor of management team approach to develop specific steps that we can do that. All of those three areas are incorporated into this Bill.

I would like to congratulate the number of people who were involved in developing this legislation and there were dozens and dozens of people from both parties and from the private sector. There were some corporations in this State that donated tremendous resources in terms of bringing this personnel into State Government and allowing them the time and resources to really help the State develop this comprehensive plan. They have provided us with an enormous service and have made this all possible.

The labor unions who are representing State employees have gone the extra mile to help us to develop this very comprehensive piece of legislation, the staff in the Governor's office, the management staff within State Government have also gone the extra mile and leaders from both parties have made an enormous contribution to making this all work. I think this is a classic example of the private sector and the public sector working together and both parties of this Legislature working together. The Administration, management, and labor working together to come up with a plan that I think really has a shot for tremendous success. We have taken steps to get this ball rolling, we have made certain that in key policy areas the Legislature is going to be actively involved in the final decision making process of those policy areas and taking together we have made a major step forward. Thank you very much.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "A" (S-530) to Senate Amendment "A" (S-527) ADOPTED.

Senate Amendment "A" (S-527) as Amended by Senate Amendment "A" (S-530), thereto 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 assigned (April 14, 1986) matter:

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

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

Tabled - April 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator PEARSON of Penobscot to RECONSIDER RECEDING and CONCURRING

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

(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 until Later in Today's Session, pending the motion of Senator PEARSON of Penobscot to RECONSIDER RECEDING and CONCURRING.

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) matter:

Bill "An Act Relating to Medical and Legal Professional Liability"

S.P. 958 L.D. 2400
(S "A" S-521)

Tabled - April 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 14, 1986, READ A SECOND TIME.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-523) READ.

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

Senator BALDACCI: Mr. President, I think that it is important to point out that I am offering this amendment to L.D. 2400, because I think it is something important that we had discussed earlier, about doing something in this particular field that would have an impact on the medical malpractice insurance rates and the crisis in that particular field, forcing a lot of people to drop certain practices in medicine, because of the outlandish rates that they were being charged. After talking to people in the medical community in my area, and with people that were in the Judicial Department, I felt that in Maine what we were doing here was setting a contingency fee rate that was not really appropriate to the Maine structure. It may be in other states and across the Country where they have tremendous settlements, in that to set up this kind of a fee structure on a flat level would have an impact, but as I was told most of the cases in Maine have never hit that particular level and would not be impacted by this type of legislation. The danger here was that we were giving a flat 33 1/3 to the first \$100,000 without allowing for any flexibility at all in that particular case. What this amendment does is allows the judge to review six particular standards that would have to be met before the attorney, in the particular case, was to receive his fee.

I think that some people who are attorneys would be a little bit uncomfortable with that, but I think that rather than be inflexible with a flat fee and not very much work done and a non-complex case we were giving people a reward, rather than make it a dis-incentive to bring those things about to the judge. I know from the people in the Judicial Branch had a lot of concern about laws that were very inflexible and didn't allow for much Judicial latitude and I think it would offer that kind of compromise. I would move for the adoption of Senate Amendment "B" (S-523).

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I oppose the adoption of Senate Amendment "B" (S-523) for a couple of very basic and simple reasons. Number one, the issue of contingent fees is dealt with in the Bill as it exists today. I would disagree with the good Senator from Penobscot, Senator Baldacci, in a couple of regards. First of all, the Bill as written, does not set a fee and statute a minimum fee or mandatory fee or a fee that doesn't allow for some latitude. If you look on page 18 of your blue bill, the present structure is that total contingent fee for the plaintiff's attorney or attorneys shall not exceed the following amounts. This was plucked directly from the Bill sponsored by my friend, the Senator from Oxford, Senator Twitchell. This was added with some resistance and I quite frankly found it to be less than palatable, but recognizing that we had a good Bill on medical malpractice, we had a systematic, comprehensive, I think, approach to the whole malpractice issue. But recognizing that on some places on this third floor this was an issue that was of utmost concern. It is an issue that is perhaps over rated, but nevertheless, it is there and I worked hard and my committee worked hard all session to come out with a good bill.

There are a number of parts in here that are a compromise among members of the Committee, that in fact, are unpalatable or distasteful to members of the work group that put this whole thing together. But nevertheless, this is the child that we brought forth from the Committee, we feel good about it, we feel comfortable about it. Although the whole idea about fees being statutorily restricted, if you will, is somewhat repugnant to me, both as an attorney and a legislator, who doesn't like the idea of professional fees being a statute. That aside, the fee structure, the contingent fee structure listed on page 18 of your blue bill is one which we felt was reasonable, which was one that was desired strongly by Members of this Legislature, and we stand by that position as a Committee. It was an unanimous committee report, except that two people on the committee didn't accept the Bill because they didn't feel that it had gone far enough. I would ask that you oppose the adoption of Senate Amendment "B" (S-523). Thank you Mr. President.

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

Senator CHALMERS: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to mention very briefly if I may. I know this is not the right day to start on a long debate and I don't intend to do that, but there are a couple of things that I would like to say. First of all, I think I would like to recognize that L.D. 2400 came about as a product of a compromise. I was impressed with the professional liability work group, made up of various members, Blue Cross Blue Shield of Maine, Maine Ambulatory Care Coalition, Maine Dental Association, Maine Hospital Association, Maine Medical Association, Maine Osteopathic Association, American Academy of Family Physicians, The American College of Obstetrics and Gynecology, The Maine Bar Association, The Maine Trial Lawyers Association and Medical Mutual Insurance Company of Maine.

This Bill attacks a serious problem that we have in professional liability insurance. A Bill came to the Committee and we as a Committee of the Joint Standing Committee on Judiciary worked on it, and we worked very hard on it. We fought a lot of issues, we changed some of the stipulations about the panels, we changed the attorney's statute of limitations refining it and making it better, we changed the structure of awards we modified it, we worked on it. We changed the wrongful birth provisions, we changed some business that required the review of licenses for doctors who had to pay out money more than three times in ten years. And we added contingency fees, that was a product of the Joint Standing Committee, the good Senator from Aroostook, Senator Carpenter, has told you. But ultimately I have to tell you that I represent the people back in Senate district #21. As a lawyer, I like nothing about contingency fees, as a lawyer, I like the Baldacci amendment, it seems to me that it doesn't do anything more than codify what is in Bar rules which I live by anyway. As a Member of the Judiciary Committee, and having worked hard and believing in the Committee process. Being a Freshman I am learning all the time, I learn that twenty four hundred bills I can't possibly read. I have to learn that the Committee process means something, that it helps me. I look at bills that come out of committee and I look at the line up within that report, and I begin to form some ideas to base some reasons for how I am going to vote. I think the Committee process is an important one.

As a political Member of this Body, I have to go with the Committee version, L.D. 2400. I have to urge that because that is the product of what I think is the Committee approach, it is a reasoned approach. As a lawyer, I can live with it, I will make a lot of enemies among some of my lawyer friends, but I am sorry about that. Ultimately I have to represent my constituents. Ultimately I know that this Legislature has got to pass a medical malpractice bill. I have to urge your support for L.D. 2400 and oppose Senator Baldacci's amendment.

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

Senator TRAFTON: Thank you Mr. President, I rise for two reasons. First to congratulate the Joint Standing Committee on Judiciary in their process and arriving at L.D. 2400, which I know took considerable time and effort not only on their part but on the parts of many representatives for a variety of interest groups in the State of Maine. I do rise also to support the good Senator from Penobscot, Senator Baldacci's amendment, and I do so not because I have a vested interest in this particular area, because I am not one who practices in the area where contingent fees are prevalent.

I am also aware that this is the first attempt that the State has made to regulate or cap, if you will, attorneys fees in any area of law. Now, we have discussed tort reform in the State of Maine as a way to control the costs of liability insurance that confront not just professionals, such as physicians and attorneys, engineers, and architects, but liability insurance increase costs faced many businesses and home owners in the State of Maine.

The capping of attorney's fees will arise again, whenever tort reform is considered to address this insurance problem. I think it is important with this first step in tort reform in addressing attorney's fees that we set a good precedent and a precedent that may be able to be applied to other areas of tort reform. I think that the examination of attorney's fees should be made, but I think an arbitrary cap such as the one that is proposed in L.D. 2400 is not the proper way to address this concern. I support the Baldacci amendment because it parallels an attempt to review attorney's fees in another section of Maine law and that is the probate code. There is a very similar section in the probate code that is designed to be a section for review of attorney's fees and judiciary fees, personal representatives and conservators, guardianship fees for our State and it sets forth a variety of factors that should be reviewed in any kind of consideration for fees. Quite frankly, these criteria are much more helpful in the determination of a fee than is a simple cap such as no more than 33 1/3% or no more than 25%.

There are often legitimate questions that arise in the establishment of a proper fee, charged by an attorney for any kind of case. As an attorney, I have had questions posed to me as what is a proper fee, and I suggest that the criteria of this particular amendment proposed by the good Senator from Penobscot, Senator Baldacci, is a proper approach, is a more helpful approach and probably in the long run will help control what is perceived to be an additional cost to the general public in the form of runaway attorney fees. I do agree with the good Senator from Penobscot, Senator Baldacci, that this is less of a problem in the State of Maine, than in other states, we do not have the number of significant settlements over \$100,000 that other states have. I think in light of that, the Baldacci amendment is one that is reasonable, is more helpful, and yet it accomplishes the same result that L.D. 2400 attempts to present for us today. I urge you to support the amendment before you.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I respect the position that my friend from Androscoggin, Senator Trafton, but I think that if, in fact, the figures in the Bill, 33 1/3% of the first \$100,000, 30% of the second \$100,000, 25% of everything over \$200,000, if in fact those are arbitrary, I think those are figures which certain people in their wisdom have felt were generally adequate and I would just call your attention to sub-section three of that particular section, which says the court may review contingent fee agreements for fairness in special circumstances where an attorney performs extraordinary services involving more than usual participation, time and effort. The attorney may apply to the court for approval for additional compensation. I think the Committee took these factors into consideration when it was going through this process, and again, my position is a difficult one because I am an attorney in Maine and a Member of the Maine Bar Association and a Member of the Maine Trail Lawyers Association.

Believe me when I tell you they are anything but thrilled with my position on this particular issue. There are overriding policy concerns which as long as I am in this particular Senate seat, I feel compelled and that being at this point the Committee process. The Committee worked darn hard on this whole thing and I would ask that you support the Committee. Mr. President, I request a Division.

Senator CARPENTER of Aroostook requested a Division.

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

Senator BALDACCI: Mr. President and Members of the Senate. I think in the deliberations on this particular issue and in reading the blue pamphlet page 18 of this L.D., where it says that 33 1/3% of the first \$100,000 of the sum recovered shall not exceed that particular point. Then it goes on and it breaks it down into different categories. If you look at the amendment that is being offered, it leaves it up to the judge that handled the particular case to go through six particular areas to see what the requirement was and whether it was met by the particular attorney in the particular case before he receives any contingency fee.

We talk about a little bit of flexibility in the judicial branch of government. That is why we appoint people, that is what we look for in people that serve on the Bench. Everybody in this Chamber is not the same. We are all different human beings. I think by allowing the judge, who recognizes a simple case, recognizes that particular \$100,000 which would be more common in Maine than a larger case, didn't require as much work or the other standards there, that it wasn't warranted. I think that sends a much stronger message to the attorneys who, when I left this Hallway last night, were not so pleased, they wanted to know what I was trying to do in undermining that. They said, "don't you realize that contingent fees allows the poor person who can't afford to take a case to court. It allows that person an entrance into court. Lawyers don't win all their cases, but it allows that poor person and entrance into court, that access into court".

I tried to explain how I was trying to balance the outrageous liability cases, the amount of the insurances, the lack of people practicing obstetrics and other types of services in Maine and the whole insurance crisis. Trying to balance that, this amendment is being offered in very good faith to resolve a problem that I think is a main problem. I am not asking you to do something that is not in the best interest of the State of Maine and this I believe in very strongly. I would ask you to support the adoption of Senate Amendment "B" (S-523). Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to ADOPT Senate Amendment "B" (S-523).

A Division has been requested.

Will all those Senators in favor of the motion of Senator BALDACCI of Penobscot to Adopt Senate Amendment "B" (S-523), please rise in their places and remain standing until counted.

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

5 Senators having voted in the affirmative and 24 Senators having voted in the negative the motion of Senator BALDACCI of Penobscot to ADOPT Senate Amendment "B" (S-523), FAILS.

Which was PASSED TO BE ENGROSSED, as Amended.

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

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) matter:

Bill "An Act to Provide Funding for the Court Mediation Service through Fees" (Emergency)
H.P. 1703 L.D. 2398

Tabled - April 14, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 14, 1986, READ A SECOND TIME.)

(In House, April 14, 1986, PASSED TO BE ENGROSSED.)

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

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) matter:

Bill "An Act to Amend and Improve the Education Laws of Maine"

S.P. 957 L.D.2399
(S "B" S-526)

Tabled - April 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 14, 1986, Senate Amendment "B" (S-526) READ and ADOPTED.)

On motion by Senator VIOLETTE of Aroostook, Senate Amendment "A" (S-524) READ.

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

Senator BROWN: Mr. President, I wonder if the good Senator from Aroostook, Senator Violette, might give us an explanation as to what this amendment does.

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 Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. Senator Violette, because of my absence in the past couple of days, very kindly put this amendment on for me on this vehicle. It is an amendment that I had prepared for other vehicles and was not going to be here so he did that kindness for me.

What this amendment does, it amend the education laws so that it is a very simple amendment. It says that the University of Maine of Augusta, is a regional baccalaureate institution offering two year and four year programs. What that does after twenty years of the campus being in Augusta Maine, establishes the fact that we can offer baccalaureate degrees. Right now we are still considered as not being able to offer those, even though we do indeed offer the two and four year programs right now. The problem is that because of our "mission" that the Trustees have given us, we are not able to carry a full bachelors degree, we have some bachelors degrees, one is in Business Administration, which is a 102 hour course and we had one of the professors that teaches that course talking to the Augusta Delegation and he said it was not a quality bachelors degree. That is when I said that I had to do something about that. In fact, it is not a quality bachelors degree because it is only 102 hours, it is not the 120 hours. But yet, we are in a catch 22 because every time we go and want the 120 hours they say that is not your mission, so we are caught right in between there. We are not able to offer that 120 hour degree course.

We are not asking for any money to this amendment, we are not asking for any specific bachelors degree on this amendment. We are simply asking for the ability to go to the Trustees and say this is a bachelors degree that we would like to have on the Augusta Campus, and let the Trustees make the decision on whether or not that is a degree that should be given at the campus. At least put us on the level playing field with the rest of the campuses in the State, who all but Bangor Community College, have the ability to have that Baccalaureate Institution Status.

You have given the UMO the ability to change their name for status reasons, what we are asking for is that this amendment for status reasons and for level playing ground reasons to be able to have this. I would ask that you support this. Thank you.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. I would like to reply to the good Senator from Kennebec, Senator Bustin, by just saying that I wouldn't be oppose to that particular approach, but I think that it has to come from the Trustees to us first instead of the other way around.

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

Senator BROWN: Thank you Mr. President, Men and Women of the Senate. I would hope that you would not support the good Senator from Kennebec, Senator Bustin, and this amendment that she offers. All of you had in the recent days a report placed on your desk which was titled the Joint Standing Committee on Education and the reaction of the Education Committee to the Trustees reaction to the visiting Committee and all of the work that they have done. The good Senator from Kennebec, Senator Bustin, has very eloquently explained the frustration that she and a number of other Legislators in this particular part of the State feel in terms of dealing with the University issue. In 1975 in the 107th Legislature, the Joint Select Committee on Education did a rather extensive report on the University and as we look through that recently in the many numerous times that we met with the Chancellor and the different campus President and Trustees in the last few weeks, dealing with the University budget and a lot of other issues, if you were to take that 1975 report, change the date and some of the players that were involved, you could find the same criticisms of the University in 1975 that we found now in the visiting Committee report, that is frustrating. That is frustrating for the good Senator, I am sure.

The problem is just what the good Senator from Penobscot, Senator Pearson, mentioned a moment ago in regard that we are going about this the wrong way. If this Legislature is to decide the educational mission of the various campuses then we are bypassing the Trustees and what their job is. The Trustees are charged at this time as a result of the Visiting Committee Report with some very serious work ahead and one of the things that they will be looking at will be the missions and goals for each of the different campuses as well as the University system as a whole.

For us at this time to interfere with that and to go ahead and establish by the Legislature what the offering is going to be at the Augusta campus is simply not right. That is not the way to proceed, it is premature. I would hope, Men and Women of the Senate, that you would vote to defeat the motion that is before us. Thank you.

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

Senator BUSTIN: Thank you Mr. President, Men and Women of the Senate. The things that you hear from the good Senator from Washington, Senator Brown, are indeed true. It is very difficult to try to explain what needs to be done. When we look at UMA, we take some action about a campus there and what it would be delivering. I can remember the technical words of that issue when we put it forth a couple of years ago, but it seems to me that it had something to do with re-granting institutions. I am not familiar enough with the set up of the University to tell you whether or not we set in statute what each of those campuses were going to be, Fort Kent, Presque Isle, Machias, perhaps the Senator from Washington, Senator Brown, can clear me up on that, but I suspect that there was some Legislative intent as to what those campuses were going to be. I am not asking that you say that we will issue a degree, I am only asking that you say that we have the ability to ask for a degree to be given out of the Augusta Campus.

I think that the twenty years duration of the Trustees constantly saying no to the Augusta campus and saying yes to other campuses might tell you where we are put on the rung of the ladder as far as the Trustees are concerned. As far as I am concerned they have not done their job, as far as UMA is concerned. It has been extremely difficult for me and I have attended a number of the Trustees meetings to get my point across to them and they say, "yes, we hear you Beverly", but I haven't heard any action from there, in fact, what I hear is we are the only campus without a President and without a Search Committee. It was only after urging, during this time, that finally the Trustees have taken some action on us having even a Search Committee to replace our President. We had a very active President on the University of Maine at Augusta campus, he stayed, literally not even two years, he was too active. He was interacting with the business and the community of Augusta and that was too much for the Trustees to take, because they saw that something was rolling there.

The reason we have to ask for this is because we have not been able to get through to the Trustees what our mission should be. We have tried every avenue that we know and it has not worked. I think that it is a question of fairness for the whole University system. I concur in large measure with the visitors report. I think that we are on a roll, that we are going to be doing something very pro-active in education and I concur with that. I have voted for the name change, I have voted for the 15 million, I will vote of whatever Lewiston-Auburn feels that they need for their area. I ask you to vote with me on what I feel I need for this area.

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

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. It is with some reluctance that I rise this morning in opposition to the motion of the good Senator from Kennebec, Senator Bustin. I would preface my remarks by indicating my admiration to the Senator for her outstanding advocacy on behalf of the Central Maine region for additional four year baccalaureate programs.

I have been to Trustee sessions which the good Senator has attended, she is a very articulate and effective spokeswoman for her cause and I certainly expect her to continue on that advocacy. But I must oppose the pending amendment this morning. I would concur with the remarks from the Senator from Washington, Senator Brown and the Senator from Penobscot, Senator Pearson, it is simply anomalous for us by Legislative fiat to establish a need and direct the Trustees to fashion University courses to address that need. It seems to me the appropriate method and approach that we have to adopt in higher education is to defer to the expertise and the wisdom of the Trustees which after all is a neutral and disinterested party in the struggle for access to higher education in the State of Maine. We have to listen to what the Trustees define as need and the Trustees have determined that a particular region is under served, it has been incumbent upon this Legislative Body to take the appropriate course of action by financing programs which address those needs, that in fact, is what has occurred in the Lewiston-Auburn area. Trustees over the last three or four years have undertaken studies to determine whether or not the Lewiston-Auburn area and region was adequately served by the University and it was the Trustees who determined that the present level of baccalaureate offerings in Lewiston-Auburn was grossly inadequate and the Trustees came forth with a proposal which we, in fact, did enact upon two years ago by proposing a bond issue to go to a local vote in Lewiston-Auburn.

It strikes me that is the approach which is wise and the course we have to steer in this situation. It is mischievous for us to by, Legislative fiat, define need and then call upon the Trustees to tailor courses to address what we perceive as needs. The appropriate methodology is for us to follow the Universities lead and for these reasons I must, with some reluctance, oppose the motion today. I would point out that I am later today, going to offer for your consideration a resolution, and in that resolution, which I have discussed with the good Senator from Kennebec, I will be asking the Trustees to study the issue of whether or not Augusta should go to a four year baccalaureate mission, that is entirely appropriate for us to seek the Trustees council on whether or not the Augusta campus in an appropriate institution for four year programming. That is the approach we ought to take. Thank you.

Senator BROWN of Washington requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator VIOLETTE of Aroostook to ADOPT Senate Amendment "A" (S-524).

A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" (S-524), please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator VIOLETTE of Aroostook to ADOPT Senate Amendment "A" (S-524), FAILS.

Which was PASSED TO BE ENGROSSED, as Amended.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Make Certain Revisions in the Maine Tax Laws and Appropriations from the General Fund" (Emergency)

H.P. 1638 L.D. 2310

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

H.P. 1700 L.D. 2393

Signed:

Senators: TWITCHELL of Oxford
DIAMOND of Cumberland

Representatives: CASHMAN of Old Town
NELSON of Portland
TARDY of Palmyra
MAYO of Thomaston
SWAZEY of Bucksport

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Make Changes in the Maine Tax Laws and to Provide for Appropriations from the General Fund" (Emergency)

H.P. 1701 L.D. 2394

Signed:

Senator: EMERSON of Penobscot
Representatives: ZIRNKILTON of Mount Desert
WEBSTER of Cape Elizabeth
JACKSON of Harrison
INGRAHAM of Houlton

(Representative MCCOLLISTER of Canton Abstained)

Comes from the House the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report ACCEPTED in NON-CONCURRENCE.

The Bill in NEW DRAFT READ ONCE.

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

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

An Act Relating to Medicaid Fees for Pharmacies
H.P. 1611 L.D. 2268
(S "A" S-510)

An Act to Increase the Maine Child Care Credit Under the State Income Tax
H.P. 1310 L.D. 1826
(S "B" S-514 to C "A" H-562)

An Act to Amend the Insanity Defense and Certain Procedures Relating to Committed Insanity Acquittees
H.P. 1702 L.D. 2397

An Act to Promote Intensive Spruce-fir Management
H.P. 1468 L.D. 2070
(S "C" S-513)

An Act to Protect the Public Health and Safety of Residents in Boarding Care Facilities
S.P. 959 L.D. 2401

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

ENACTORS

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

An Act to Strengthen State-local Cooperation through Regional Councils
H.P. 837 L.D. 1181
(S "B" S-501 to C "A" H-558)

An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs
H.P. 951 L.D. 1370
(S "H" S-502 to C "A" H-532)

An Act to Increase the School Bus Purchase Limit
S.P. 817 L.D. 2062
(S "A" S-505)

An Act to Establish the Maine State Parks Development Fund
H.P. 1483 L.D. 2095
(S "A" S-506 to C "A" H-605)

An Act to Provide Funding for Mental Health Programs
H.P. 1524 L.D. 2144
(S "A" S-507)

An Act to Phase Out the Sales and Use Tax on Energy Used in Manufacturing
H.P. 1555 L.D. 2193
(S "A" S-508)

An Act Concerning Transitional Services for Handicapped Persons Beyond School Age
H.P. 1592 L.D. 2245
(S "A" S-509 to C "A" H-694)

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

The President Retired from the Senate Chamber.

Senate called to order by the President Pro Tem.

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

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I would request a Division and speak to my motion. The Bill that we are going to enact at this point, "An Act to Change the Name of the University of Maine" system is an issue that is quite dear to the people who live in Farmington and are in support of the University there.

There seems to be concern that changing the name, although it is not as extreme as it could be, is not in the best interest of the people who I represent. I have had at least over fifty people contact me in opposition to changing the name. The original proposal was much more radical than this final compromise version, but I still feel that I should oppose enactment of this Bill. Thank you.

Senator WEBSTER of Franklin requested a Division.

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

Senator PEARSON: Mr. President, as I understand it, this Bill simply changes the University of Maine at Orono to the University of Maine, and all else remains the same. Is that correct? I understand the Chairman of the Education Committee is nodding in the affirmative. If that is the case, what is the objection?

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

Senator BROWN: Thank you Mr. President, Men and Women of the Senate. In attempt to briefly go through the issue regarding this particular piece of legislation. One of the things that the visiting committee did in their report was to make suggestions concerning changing of all the campuses of the University of Maine and the majority of us on the Education Committee felt that they weren't very sensitive to some of the strong feelings that existed on various campuses. The President of the University of Maine at Farmington was very concerned about that and I received 100-125 letters that I received from alumni in and out of the State that were very concerned that the University of Farmington not have it's name changed. What Senator Pearson has just indicated, the other campuses will not have their name changed. All the Presidents support the Trustees recommendation that only Orono will be changed to the University of Maine and other campuses will remain as they are and the University of Maine system is what is used to designate the entire system in order for Orono to have that designation. So I would hope that you would support the pending legislation and not support the good Senator. Thank you.

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

A Division has been requested.

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

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

25 Senators having voted in the affirmative and 1 Senator having voted in the negative, the Bill was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Emergency

An Act to Expand the Maine Conservation Corps
H.P. 1251 L.D. 1761
(S "A" S-460 and S "B"
S-503 to C "A" H-524)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Provide Medicaid Coverage for Mental Health Services for Children in Certain Hospital Facilities
H.P. 1610 L.D. 2267
(S "A" S-517)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Insure the Rights of the Staff of the Projects Serving Preschool Handicapped Children and Other Preschool Teachers Employed by Public Schools to Receive Maine State Retirement
H.P. 1662 L.D. 2340
(S "B" S-518)

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

Emergency

An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome
S.P. 943 L.D. 2367
(S "A" S-512; H "C" H-695)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution
S.P. 813 L.D. 2045
(S "A" S-504 to C "A" S-443)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees
S.P. 934 L.D. 2343
(S "A" S-475; S "B" S-571)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Emergency

An Act to Insure the Rights of the Staff of the Projects Serving Preschool Handicapped Children and Other Preschool Teachers Employed by Public Schools to Receive Maine State Retirement
H.P. 1662 L.D. 2340
(S "B" S-518)

Tabled - April 15, 1986, by Senate VIOLETTE of Aroostook,

Pending - ENACTMENT

(In House, April 14, 1986, PASSED TO BE ENACTED.)

(In Senate, April 14, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-518).)

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

Senator TRAFTON: Mr. President, I was going to pose a parliamentary inquiry, and I would like to pose that inquiry directly to the Chair, and that is was the Senator from Washington, Senator Brown, violating Senate Rule 34?

Senate at Ease

Senate called to order by the President.

THE PRESIDENT PRO TEM: The Chair will respond to the inquiry; relative to Senate Rule 34. Since the Senator from Washington was occupying the seat of the Presiding Officer and since no one objected, by implication, the Rule was suspended.

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

An Act to Make Additional Allocations from the Alcohol Premium Fund
S.P. 910 L.D. 2277

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

Pending - ENACTMENT

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

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

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

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

Bill "An Act to Maintain the Sanford Unemployment Office" (Emergency)
S.P. 942 L.D. 2360

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

Pending - PASSAGE TO BE ENGROSSED

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

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

ENACTORS

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

An Act to Create a Paralytic Shellfish Poison Monitoring Program
H.P. 1307 L.D. 1823
(S "A" S-528)

An Act Relating to the Administration of Preventable Disease Programs and the Bureau of Health
H.P. 1651 L.D. 2329
(S "A" S-529 to C "A" H-701)

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

Emergency

An Act to Extend the 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-515 to H "B" H-692)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

ORDERS

Senate Order

On motion by Senator CARPENTER of Aroostook the following Senate Order:

ORDERED, that the Senate Rules be amended by adding a new Senate Rule 44 to read:

44. Prior to final action by the Senate on any paper initiating any impeachment proceeding under the Constitution of Maine, Article IV, Part First, Section 8, and Part Second, Section 7, and Article IX, Section 5, and prior to final action by the Senate on any paper initiating any address proceeding under the Constitution of Maine, Article IX, Section 5, the Secretary of State shall furnish members of the Senate with copies of the 1986 Report to the 112th Legislature on impeachment and address.

Which was READ and PASSED.

The President Pro Tem requested that the Assistant Sergeant-At-Arms to escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Assistant Sergeant-At-Arms escorted the Senator from Aroostook, Senator CARPENTER to his seat on the Senate floor. (Amid applause the Members rising.)

Senate called to order by the President.

ORDERS OF THE DAY

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

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

S.P. 886 L.D. 2231

Tabled - April 14, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 14, 1986, PASSED TO BE ENACTED.)

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-690), in concurrence.)

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

Senate at Ease

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

Senator PEARSON: Mr. President, Men and Women of the Senate. I am going to proceed to, as we say, 'do the table'. The first fourteen items are Emergency items and the fifteenth item is a Constitutional Amendment, which will require a two-thirds vote. I realize this is probably one of those times when people are bored, but we need the attendance for at least for the first part of this. Thank you.

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE 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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account

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

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

Pending - ENACTMENT

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

(In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-681), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Continue Protection and Advocacy Services at the Current Level

S.P. 663 L.D. 1700

Tabled - February 27, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House February 26, 1986, PASSED TO BE ENACTED.)

(In Senate February 18, 1986, PASSED TO BE ENGROSSED.)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act Relating to Day Treatment Services for Emotionally Disturbed Children

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-679), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-465).)

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Authorize the Treasurer of State to Temporarily Invest Excess Money Including Unspent Bond Proceeds in Tax-exempt Obligations
S.P. 862 L.D. 2176
(H "A" H-639)

Tabled - April 9, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 8, 1986, PASSED TO BE ENACTED.)

(In Senate, April 4, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-639), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Establish the New England and Eastern Canada Legislative Commission
S.P. 888 L.D. 2237

Tabled - April 7, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 4, 1986, PASSED TO BE ENACTED.)

(In Senate, April 2, 1986, PASSED TO BE ENGROSSED.)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

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

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

Pending - ENACTMENT

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

(In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-660) AND SENATE AMENDMENT "A" (S-454), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE 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

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

Pending - ENACTMENT

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

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

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

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
S.P. 953 L.D. 2390

Tabled - April 14, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 14, 1986, PASSED TO BE ENACTED.)

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

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Implement an Inflation Factor in the School Construction Law
S.P. 955 L.D. 2395

Tabled - April 14, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 14, 1986, PASSED TO BE ENACTED.)

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

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency Resolve

Resolve, Amending the Reporting Date of the Joint Select Committee for Learning Disabled Children
S.P. 741 L.D. 1894
(S "A" S-387 to C "A" S-382)

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

Pending - FINAL PASSAGE

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

(In Senate, March 4, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-382) AS AMENDED BY SENATE AMENDMENT "A" (S-387) thereto.)

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency Resolve

Resolve, to Establish a Commission to Study the Integration of the Maine State Retirement System with the Social Security System

S.P. 872 L.D. 2202
(S "A" S-420)

Tabled - March 24, 1986, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, March 24, 1986, FINALLY PASSED.)

(In Senate, March 18, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-420).)

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency Resolve

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

H.P. 1624 L.D. 2289
(H "B" H-655)

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

Pending - FINAL PASSAGE

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

(In Senate, April 8, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-655), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Constitutional Amendment

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

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

Tabled - April 1, 1986, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, March 31, 1986, FINALLY PASSED.)

(In Senate, March 26, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-602), in concurrence.)

This being a Constitutional Amendment and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative and 27 being more than two-thirds of those Members present and voting was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Secretary of State.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Fund Elderly Legal Services in Northern and Eastern Maine Communities

H.P. 1233 L.D. 1742
(C "A" H-517)

Tabled - March 3, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, February 28, 1986, PASSED TO BE ENACTED.)

(In Senate, February 26, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517), in concurrence.)

An Act Concerning the Conservation and Preservation of Unique State Historical and Library Research Material

S.P. 696 L.D. 1782

Tabled - February 28, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, February 27, 1986, PASSED TO BE ENACTED.)

(In Senate, February 18, 1986, PASSED TO BE ENGROSSED.)

An Act to Create a Rape Crisis Center in Augusta
H.P. 1276 L.D. 1793

Tabled - February 28, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, February 27, 1986, PASSED TO BE ENACTED.)

(In Senate, February 25, 1986, PASSED TO BE ENGROSSED.)

An Act to Change Martin Luther King Day from a Special Observance Day to a State Holiday

H.P. 1335 L.D. 1872
(S "A" S-337 to C "A" H-500)

Tabled - February 26, 1986, by Senator BERUBE of Androscoggin.

Pending - ENACTMENT

(In House, February 25, 1986, PASSED TO BE ENACTED.)

(In Senate, February 18, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500) AS AMENDED BY SENATE AMENDMENT "A" (S-337) thereto.)

An Act to Fund the Holocaust Human Rights Center for Maine

H.P. 1364 L.D. 1928
(C "A" H-556)

Tabled - March 13, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, March 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556), in concurrence.)

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

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients
H.P. 1425 L.D. 2014
(C "A" H-555)

Tabled - March 13, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, March 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555), in concurrence.)

An Act to Exempt Nonprofit Hospice Organizations from the Sales Tax

H.P. 1438 L.D. 2029
(H "A" H-527)

Tabled - March 3, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, February 28, 1986, PASSED TO BE ENACTED.)

(In Senate, February 25, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-527), in concurrence.)

An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473).)

An Act to Amend the Maine Osteopathic Student Loan Program

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

Tabled - April 4, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 2, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-619), in concurrence.)

An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations

H.P. 1507 L.D. 2121

Tabled - April 9, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 8, 1986, PASSED TO BE ENACTED.)

(In Senate, April 4, 1986, PASSED TO BE ENGROSSED, in concurrence.)

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

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

An Act to Grandfather Current Employees Regarding the Purchase of Military Service Time

H.P. 1528 L.D. 2157

Tabled - March 14, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 13, 1986, PASSED TO BE ENACTED.)

(In Senate, March 11, 1986, PASSED TO BE ENGROSSED, in concurrence.)

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)

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456) AND SENATE AMENDMENT "A" (S-471).)

An Act to Establish the Workers' Compensation Reinsurance Study Commission

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656), in concurrence.)

An Act to Provide Funds to the Maine State Prison Farm

H.P. 1574 L.D. 2213

Tabled - March 24, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 24, 1986, PASSED TO BE ENACTED.)

(In Senate, March 19, 1986, PASSED TO BE ENGROSSED, in concurrence.)

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

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Provide Technical Assistance to Schools on Truancy, Dropouts and Alternative Educational Programs and to Amend the Permanent School Fund
H.P. 1569 L.D. 2219
(C "A" H-618)

Tabled - April 7, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 4, 1986, PASSED TO BE ENACTED.)

(In Senate, April 2, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618), in concurrence.)

An Act to Amend Maine's Abandoned Property Law
H.P. 1577 L.D. 2224
(H "A" H-599)

Tabled - March 27, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 26, 1986, PASSED TO BE ENACTED.)

(In Senate, March 25, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-599), in concurrence.)

An Act to Study Establishment of an Emergency 9-1-1 System in Heavily Populated Areas
H.P. 1601 L.D. 2255

Tabled - March 31, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 27, 1986, PASSED TO BE ENACTED.)

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

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

Tabled - April 2, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Implement Certain Recommendations of the State Compensation Commission
H.P. 1567 L.D. 2217
(C "A" H-699)

Tabled - April 14, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 14, 1986, PASSED TO BE ENACTED.)

(In Senate, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699), in concurrence.)

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

Senator SHUTE: Mr. President and Members of the Senate. On the Committee Amendment to the Bill, Committee Amendment "A" (H-699), on the judge salary and this is a question to the Members of the Appropriations Committee. Under minimum benefits, it says each judge in service on December 1, 1984, who was fifty years of age or older on that date, shall be entitled to a minimum benefit equaled to 75% of the salary as of June 30, 1984 for the position for which the judge retired. Increase 6% compounded annually for each year or part thereof, to June 1984 up to June 1989.

If I have this figured right, a judge in five years of service would retire at 101% of his salary and if he had eight years of service he would retire at 120% of his 1984 salary. Unless something is wrong in the way I figured this, that seems a bit excessive for our retirement. The other question is, Legislators will be getting a 50% of the Blue Cross and Blue Shield paid for their family and the question is, do State employees receive this benefit at this present time? The other objection I have to this Bill, is that it appears that there is a \$3,500 raise in this Bill along with a couple hundred dollars more for constituent service and more for meals, lodging and travel.

Due to a technical malfunction of the recording equipment, the debate of the following Senators cannot be transcribed at this time:

Senators: PEARSON, SHUTE, PEARSON, WEBSTER, SHUTE, VIOLETTE, SHUTE, VIOLETTE, PEARSON, BALDACCI, WEBSTER, PEARSON, WEBSTER, PERKINS, VIOLETTE.

On motion by Senator WEBSTER of Franklin 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 ENACTMENT.

A vote of Yes will be in favor of Enactment.

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, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, STOVER, TRAFON, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, HICHENS, MAYBURY, SEWALL, SHUTE, WEBSTER

ABSENT: Senators None

EXCUSED: Senator DUTREMBLE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

The same Senator further moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers in NON-CONCURRENCE.

Due to a technical malfunction, Senator BUSTIN'S comments cannot be transcribed.

On motion by Senator PEARSON of Penobscot the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Providing for the Lease of Unused Space or Facilities Owned by the State S.P. 917 L.D. 2291 (H "A" H-636; H "A" H-661 to H "B" H-645)

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

Pending - ENACTMENT

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

(In Senate, April 9, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-636) AND HOUSE AMENDMENT "B" (H-645) AS AMENDED BY HOUSE AMENDMENT "A" (H-661), thereto, in concurrence.)

An Act to Provide a Periodic Cost-of-living Adjustment in the State Reimbursement to Boarding Care Facilities

S.P. 918 L.D. 2292

Tabled - April 4, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

An Act to Ensure the Implementation of a Single Audit

S.P. 924 L.D. 2304

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

Pending - ENACTMENT

(In House, April 7, 1986, PASSED TO BE ENACTED.)

(In Senate, April 2, 1986, PASSED TO BE ENGROSSED.)

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

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Extend the Deadline and Increase the Appropriation for the Special Select Commission on the Administration and Financing of General Assistance

H.P. 1635 L.D. 2308

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

Pending - ENACTMENT

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

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

An Act to Provide for a Study of Municipal Land Banks

H.P. 1675 L.D. 2361

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

An Act Relating to Retirement Benefits for Confidential State Employees

H.P. 1680 L.D. 2366

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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)

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-477).)

The same Senator further moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

On further motion by same Senator Tabled until Later in Today's Session, pending motion of same Senator to INDEFINITELY POSTPONE Bill and Accompanying Papers.

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the APPROPRIATIONS TABLE the following:

An Act to Reduce the Burden of Property Taxes on Persons who are Elderly

H.P. 1212 L.D. 1719
(C "A" H-557)

Tabled - March 13, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, March 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557), in concurrence.)

An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses

H.P. 1329 L.D. 1864
(C "A" H-579)

Tabled - March 21, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 20, 1986, PASSED TO BE ENACTED.)

(In Senate, March 18, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).)

Resolve

Resolve, in Favor of Edgar Warren, of Portland, for Injuries Received While He was a Ward of the State

H.P. 1377 L.D. 1940
(CC "A" S-487)

Tabled - April 14, 1986, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, April 14, 1986, FINALLY PASSED.)

(In Senate, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-487).)

On further motion by same Senator, the Bills and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith 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:

ORDERS

Joint Resolution

On motion by Senator MATTHEWS of Kennebec (Cosponsored by: President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Representative BEAULIEU of Portland, Senator KANY of Kennebec, Representative JOSEPH of Waterville, Representative HANDY of Lewiston) (Approved for Introduction by the Legislative Council) the following Joint Resolution:
S.P. 962

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ESTABLISH AN EMERGENCY BOARD TO SETTLE THE RAILROAD WORKERS' STRIKE IN MAINE

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

WHEREAS, during the protracted railroad workers' strike, resulting from irreconcilable differences between Guilford Transportation Industries, Inc., and members of the Brotherhood of Maintenance of Way Employees; and

WHEREAS, mounting safety problems exist, resulting from trains carrying toxic material passing through rural and urban countryside, which threatens the safety of the citizenry; and

WHEREAS, the economic situation has worsened and the railroad strike is having a direct and detrimental effect on Maine businesses and industries, to the extent that one large paper company has laid off a substantial number of employees; and

WHEREAS, the harmful effect on the railroad workers is as substantial as the harm on Maine's industry as a whole, causing a detrimental economic and psychological impact on almost 1,000 railroad workers; and

WHEREAS, this group of Maine union members, a union consisting of only 110 employees, has provided the impetus for a possible nationwide strike; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully request and petition that the state governments of all states affected and the Federal Government apply pressure on the Guilford Transportation Industries, Inc., to bargain in good faith with the respective unions involved in this dispute, and to reach an agreement in order to resolve this difficult and tension filled situation; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives of the Congress of the United States, and each Member of the Senate and House of Representatives in the Congress of the United States from this State; the United States Department of Transportation; and the New England Governors.

Which was READ.

Due to a technical malfunction Senator MATTHEW'S and Senator KANY'S comments cannot be transcribed.

Which was ADOPTED.

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

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

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Regarding Utility Assessments
H.P. 1205 L.D. 1712
(C "A" H-529)

Tabled - March 3, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, February 28, 1986, PASSED TO BE ENACTED.)

(In Senate, February 27, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529), in concurrence.)

The same Senator further moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending the motion of Senator PEARSON of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Increase the Aid to Families with Dependent Children Standard of Need

H.P. 1352 L.D. 1896
(C "A" H-689)

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689), in concurrence.)

The same Senator further moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

On motion by Senator BERUBE of Androscoggin, Tabled until Later in Today's Session, pending the motion of Senator PEARSON of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

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

An Act Regarding Utility Assessments
H.P. 1205 L.D. 1712
(C "A" H-529)

Tabled - April 15, 1986, by Senator BALDACCI of Penobscot.

Pending - Motion of Senator PEARSON of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers

(In House, February 28, 1986, PASSED TO BE ENACTED.)

(In Senate, February 27, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529), in concurrence.)

Due to a technical malfunction Senator BALDACCI'S, Senator VIOLETTE'S and Senator PEARSON'S comments cannot be transcribed.

Senator BALDACCI of Penobscot requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot that the Bill and Accompanying Papers be INDEFINITELY POSTPONED.

A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot to INDEFINITELY POSTPONE, the Bill and Accompanying Papers PREVAILS 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:

An Act to Increase the Aid to Families with Dependent Children Standard of Need

H.P. 1352 L.D. 1896
(C "A" H-689)

Tabled - April 15, 1986, by Senator BERUBE of Androscoggin.

Pending - Motion of Senator PEARSON of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689), in concurrence.)

On motion by Senator PEARSON of Penobscot the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Establish a Toll-free Statewide Hot Line for Victims of Sexual Assault and Domestic Violence

S.P. 796 L.D. 2003
(C "A" S-407)

Tabled - March 18, 1986, by Senator BERUBE of Androscoggin.

Pending - ENACTMENT

(In House, March 17, 1986, PASSED TO BE ENACTED.)

(In Senate, March 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-407).)

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Amend and Clarify the Statutes Governing Control of Hazardous Air Pollutants

H.P. 1473 L.D. 2072

Tabled - March 4, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 4, 1986, PASSED TO BE ENACTED.)

(In Senate, March 3, 1986, PASSED TO BE ENGROSSED, in concurrence.)

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State

H.P. 1523 L.D. 2143

Tabled - March 13, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

(In Senate, March 11, 1986, PASSED TO BE ENGROSSED, in concurrence.)

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Allowing Licensees to Purchase Liquor from Agency Liquor Stores if Licensee is Located more than 20 Miles from State Liquor Stores

H.P. 1554 L.D. 2192

Tabled - March 21, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 20, 1986, PASSED TO BE ENACTED.)

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

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

H.P. 1648 L.D. 2325

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

Pending - ENACTMENT

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

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

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

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act Relating to the Sales of Extended Cable Television Services

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

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

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

H.P. 1676 L.D. 2362

Tabled - April 12, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

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

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

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED 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:

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewer Treatment Facilities

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

Senator WEBSTER of Franklin, moved SUSPENSION OF THE RULES.

There was objection.

Due to a technical malfunction, Senator WEBSTER'S debate cannot be transcribed.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin that the Senate SUSPEND THE RULES.

A Division has been requested.

Will all those Senators in favor that the Rules be Suspended, please rise in their places and remain standing until counted.

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

10 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin to SUSPEND THE RULES, FAILS.

This being a Bond Authorization Act and having received the affirmative vote of 23 Members of the Senate, with 3 Senators having voted in negative, and 23 being more than two-thirds of the Membership present and voting 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:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Energy Improvements in State Facilities

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

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

On motion by Senator WEBSTER of Franklin, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-532) READ.

Senator BALDACCI of Penobscot requested a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin to ADOPT Senate Amendment "A" (S-532), please rise in their places and remain standing until counted.

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

26 Senators having voted in the affirmative and No Senators having voted in the negative, the motion by Senator WEBSTER of Franklin to ADOPT Senate Amendment "A" (S-532), PREVAILS.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. This was a Bond Issue that was not even debated in the Appropriations Committee. It was unanimously adopted by the Appropriations Committee. We have had several energy bond issues over the years that have been unanimously adopted by not only the Appropriations Committee, I think they have been very close to being adopted unanimously by the Maine Legislature and they have gone out to the people of the State of Maine and they have overwhelmingly adopted energy bond issues.

The reason is, obviously, that when you insulate or put in some other energy improvement into a public building, it saves money forever. The turn around on that investment is very rapid. Everyone of us in here knows that if you insulate your home at all, you pay less on fuel bills for the rest of your life in that building. These are state buildings that are going to receive energy improvements. Everyone of us remember when the schools of this state had those windows that the whole wall was a window. When the fuel crisis came we shut off part of those windows and insulated the ceilings and saved an enormous amount of money. It is just incredible to me, I think the pay back is less than five years, to think that anyone would be so short sighted as to not want to invest in something that would save forever.

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

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

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

ENACTORS

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

Bond Issue

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)

Senator WEBSTER of Franklin moved that the Senate SUSPEND THE RULES.

The Chair ordered a Division.

On motion by Senator WEBSTER of Franklin 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 WEBSTER of Franklin to SUSPEND THE RULES.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BLACK, EMERSON, GILL, HICHENS, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, WEBSTER

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BROWN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, ERWIN, GAUVREAU, KANY, KERRY, NAJARIAN, PEARSON, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BUSTIN, MATTHEWS, TRAFTON

EXCUSED: Senator DUTREMBLE

Senator MCBREAIRTY of Aroostook requested and received leave of the Senate to change his vote from NAY to YEA.

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion of Senator WEBSTER of Franklin that the Senate SUSPEND THE RULES, FAILS.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. It seems to me that I was elected by the same people that any of you were and it seems to me that I ought to have the courtesy that I would give to any Member of this Body to offer an amendment. I would suggest that there are people here who don't want to be On Record, who yesterday wanted to be On Record in support of a Bill to put pornography on the June ballot. Yesterday I said, and it was true and it has been proven to me here today, that politics are good if it helps you, but if it doesn't, let's not bother. It seems to me that it makes a lot of sense if you can argue on one day that it is good to have an issue before the public as soon as possible that these bond issues ought to be heard in June.

I think it is very generous of the Members of this Body to give me an amendment on an issue that is already dead. You ought to be commended for that. I think that it is disgusting that we can't be On Record to let people know how we really feel about this issue. Thank you.

THE PRESIDENT: The Chair would request that the Senators attempt to be somewhat careful with their microphones, they are rather outdated and would appreciate them being treated with a little more care.

The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate. This Bond Issue was discussed and I think everybody is in agreement that it is a good Bond Issue. It generates some eight million, two hundred and fifty-three thousand dollars of Federal Money. There are certain hooks that we have to go through, that Federal money is being sought after by every state in the Union. If we don't go through our hooks, and they are watching to see what goes on in this Legislature. If we don't do what we are suppose to do, somewhat on schedule, we can lose that eight million, two hundred and fifty-three thousand dollars and it is going to be spent, some state is going to get it. Are you going to deprive the people of the State of Maine of that money?

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I wholeheartedly support this measure and I think when the time comes if we have a Division it will be unanimous. But I understand the system well enough to know that the appropriate time to discuss this issue was to stand and ask for a Division.

I am arguing today the principle of not being giving the courtesy. I am not arguing whether or not this Bill is good or bad. I think you will find it will be unanimous in support. I think all of us realize what this Bond Issue does, what these other Bond Issues do. I think I made my point before. Thank you.

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

The President then took a seat on the floor of the Senate.

Senate called to order by the President Pro Tem.

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

Senator PRAY: Thank you Mr. President, Mr. President, Ladies and Gentlemen of the Senate. It is late in the session, it has been as always at the end of session, times are sometimes trying times. We attempt to address the various issues as they go through and use our best judgment in deciding which issue should pass, and which issue should fail, which proposal should be amended and which should not.

We attempt to assess those decisions based upon our own inner beliefs as to what is right and what is wrong. The Senator from Franklin, Senator Webster, in attempting to posture politically the Bill into a situation which he could amend it, found himself on not the most favorable of sides with the vote that was taken. Now that we address the enactment of L.D. 2312, he raises up to say that he knows best as to when amendments, as to when the various issues should go out. What he failed to address in that situation, that on the previous issues, he was successful in backing up the proposal and sending an issue out in June. Now he feels that if in a string of amendments that he has to offer, based upon the action taken in this Body the other day, that everything automatically should go in June. Well, as was debated the other day, and I think the arguments are still true, that there are a number of issues, there are two general elections, there are two state-wide elections coming up and I think there is absolutely nothing with the action that this Body has taken in deciding that some issues will go out one particular time and others at another particular time. The voters of this State will determine what the turnout is, not this Body, not which particular issues are out at which particular time. But the interest of the voters themselves.

I am sorry that the Senator from Franklin, Senator Webster, because he did not have the sufficient support to Suspend the Rules in this particular occasion, feels as if there is some kind of political overtone. There has been on a number of occasions and other issues in which people have attempted to utilize the parliamentary procedure to find themselves in a more favorable position, which have been used against them. I think now to raise it at this time as that is the particular posturing, if he wants the opportunity to amend each and everyone of these particular issues and have that type of vote, he probably should have used a little bit more sugar through the entire process.

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 1 Senators having voted in negative, and 30 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND TWELFTH LEGISLATURE

April 15, 1986

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

Dear President Pray:

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

Total number of bills received	40
Unanimous reports	38
Leave to Withdraw	13
Ought to Pass	7
Ought Not to Pass	0
Ought to Pass as Amended	7
Ought to Pass in New Draft	11
Divided reports	2

Respectfully submitted,

April 15, 1986

S/N. Paul Gauvreau
Senate Chair

S/Merle Nelson
House Chair

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

Which was READ and ORDERED PLACED ON FILE.

Dear President Pray:

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

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

COMMITTEE REPORTS

House
Ought to Pass

Total number of bills received	11
Unanimous reports	9
Leave to Withdraw	4
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	4
Ought to Pass in New Draft	1

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

H.P. 1706 L.D. 2403

Divided reports 2

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

1 Committee Bill Pursuant to Joint Order
H.P. 1316

14 (County Budgets) Resolves Pursuant to
Joint Order H.P. 1316

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

Respectfully submitted,

Which Report was READ and ACCEPTED, in
concurrence.

S/John L. Tuttle, Jr.
Senate Chair

S/Edward A. McHenry
House Chair

The Resolve READ ONCE.

Which was READ and ORDERED PLACED ON FILE.

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

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

COMMUNICATIONS

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

The Following Communication:

COMMUNICATIONS

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

The Following Communication:

April 15, 1986

COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
ONE HUNDRED AND TWELFTH LEGISLATURE

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Make Certain Revisions in the Maine Tax Laws and Appropriations from the General Fund" (Emergency) (H.P. 1638) (L.D. 2310).

Sincerely,

S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

ENACTORS

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

Bond Issue

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

This being a Bond Authorization Act and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the Membership present and voting 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:

ORDERS

Joint Resolution

On motion by Senator GAUVREAU of Androscoggin (Cosponsored by: Senator KERRY of York, Representative NADEAU of Lewiston, Representative TELOW of Lewiston) the following Joint Resolution:
S.P. 961

JOINT RESOLUTION REGARDING OFFERING 4-YEAR BACCALAUREATE PROGRAMS AT VARIOUS CAMPUSES OF THE UNIVERSITY OF MAINE

WHEREAS, the Legislature now has before it for consideration L.D. 2311, "AN ACT to Authorize a General Fund Bond Issue in the Amount of \$7,700,000 for Various Projects at the University of Maine," which as amended, provides for a General Fund Bond issue of \$12,100,000; and

WHEREAS, there is an amendment to L.D. 2311 to increase the bond issue by \$4,400,000 for construction of classroom and laboratory facilities in the Lewiston-Auburn area to house programs administered by the University of Southern Maine; and

WHEREAS, there is sentiment to offer 4-year baccalaureate programs in the Lewiston-Auburn and York County areas and additional 4-year programs in the Augusta area; and

WHEREAS, the costs involved in providing such new and additional 4-year baccalaureate programs is not known at this time; and

WHEREAS, the 112th Legislature will be meeting in special session later this year; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature now assembled, do hereby respectfully request that the Board of Trustees of the University of Maine conduct a study of the capital costs involved in offering 4-year baccalaureate programs at locations in the Lewiston-Auburn and York County areas and of the Feasibility of designating the University of Maine at Augusta as a baccalaureate institution offering 2-year and 4-year programs; and be it further

RESOLVED: That the Board of Trustees report its findings to the 112th Legislature at the next meeting of the Legislature in special session this year; and be it further

RESOLVED: That the Legislature will make its decision on the university bond issue to be submitted to the voters at that time after having received the necessary information on which to base its decision.

Which was READ.

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

Senator PEARSON: Mr. president, Men and Women of the Senate. I must say that I favor this Resolution, but I do have one very small misgiving about it. That is at the very end of it where it says that "The Board of Trustees report its findings to the 112th Legislature at the next meeting of the Legislature in special session this year," and I just wonder how much they can do in that short amount of time.

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

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. In response to the question of the good Senator from Penobscot, Senator Pearson, I too had a similar concern when we were fashioning the language on the Resolution. I had occasion to confer with officials from the University and it is my judgment that we will be able to provide specific information as far as capital costs within a reasonable time frame, whether we come in special session in May or June. To answer that question, I believe that we are allowing sufficient time in which to address the capital construction cost, which might be associated either with the project in Lewiston-Auburn or in York County area, as far as delivering four year baccalaureate programs. Thank you.

Which was ADOPTED.

Sent down for concurrence.

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

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

ORDERS

Joint Order

On motion by Senator GAUVREAU of Androscoggin the following Joint Order: S.P. 960

WHEREAS, the Legislature now has before it for consideration L.D. 2311, "AN ACT to Authorize a General Fund Bond Issue in the amount of \$7,700,000 for various projects at the University of Maine," which, as amended, provides for a General Fund Bond issue of \$12,100,000; and

WHEREAS, there is sentiment to offer 4-year baccalaureate programs in the Lewiston-Auburn and York County areas and additional 4-year programs in the Augusta area; and

WHEREAS, the costs involved in providing such new and additional 4-year baccalaureate programs is not known at this time; and

WHEREAS, the Legislature by joint resolution, has requested that the Board of Trustees of the University of Maine conduct a study of those costs and report its findings to the 112th Legislature at its next meeting in special session this year; and

WHEREAS, the 112th Legislature will be meeting in special session later this year; now, therefore, be it

Ordered, the House concurring, that H.P. 1639, L.D. 2311, 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" and its accompanying papers be held over by the 112th Legislature to its next meeting in special session this year.

Which was READ and PASSED.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-481).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-481) AND HOUSE AMENDMENT "A" (H-736) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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 (H "A" H-727 to C "B" S-490)

In Senate, April 14, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490) AS AMENDED BY HOUSE AMENDMENT "A" (H-727), thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490) AS AMENDED BY HOUSE AMENDMENT "B" (H-737), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

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

ORDERS

Joint Resolution

On motion by Senator USHER of Cumberland (Cosponsored by: Representative BROWN of Gorham, Representative HILLOCK of Gorham) the following Joint Resolution:

S.P. 963

JOINT RESOLUTION IN TRIBUTE TO THE TOWN OF GORHAM ON ITS 250TH ANNIVERSARY

WHEREAS, on the western shore of the beautiful Presumpscot River to the south of Sebago Lake virgin land beckoned to be cleared and settled; and

WHEREAS, following the Narragansett War of 1728, soldiers and their heirs were granted this land they called Narragansett No. 7; and

WHEREAS, Captain John Phinney and his son lead the way up this waterway to make the first clearings on Fort Hill; and

WHEREAS, following these courageous pioneers, Gorhamtown was founded in honor of Captain John Gorham and became incorporated in 1764; and

WHEREAS, the historic development of this proud community will be celebrated on May 24 to May 31, 1986, the 250th anniversary of the Town of Gorham; now, therefore, be it

RESOLVED: At a time when the inhabitants of Gorham pause to reflect on their rich heritage and to commemorate the close of two and one half centuries of progressive development in the life of their community, that we, the members of the 112th Legislature of the great and sovereign State of Maine, now assembled in Second Regular Session, join this grand celebration to congratulate the Town of Gorham on its excellent record of achievement and offer our continues support and encouragement for the years ahead; and be it further

RESOLVED: That copies of this resolution be prepared and presented to the appropriate officials of the Town of Gorham in honor of this special occasion.

Which was READ and ADOPTED.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1707 L.D. 2404

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

The President Pro Tem requested that the Sergeant-At-Arms to escort the Senator from Penobscot, Senator PRAY, to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator VIOLETTE, to his seat on the Senate floor. (Amid applause the Members rising.)

Senate called to order by the President.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects"

H.P. 1440 L.D. 2032

Majority - Ought to Pass in New Draft under same title.

H.P. 1495 L.D. 2107

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-541).

In House, March 3, 1986, the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

In Senate, March 10, 1986, Bill and Accompanying Papers RECOMMITTED to the Committee on ENERGY AND NATURAL RESOURCES, in NON-CONCURRENCE.

Comes from the House NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-738) in NON-CONCURRENCE.

The Chair moved the Senate RECEDE and CONCUR.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending the motion of the Chair to RECEDE and CONCUR.

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 Relating to Commercial Vehicles

S.P. 914 L.D. 2282
(H "A" H-733 to C "A" S-484)

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

H.P. 1642 L.D. 2320
(C "A" H-663; S "A" S-531)

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

ORDERS OF THE DAY

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

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

Tabled - April 12, 1986, by Senator DOW of Kennebec.

Pending - ENACTMENT

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

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

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

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

On further motion by same Senator, Senate Amendment "A" (S-540) 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 DOW of Kennebec, the Senate removed from the SPECIAL HIGHWAY APPROPRIATIONS TABLE the following:

An Act to Provide for the Motor Vehicle Division to Purchase and Maintain Software Equipment Independent of any Other Provider and Related Hardware

H.P. 1331 L.D. 1866
(H "A" H-594 to C "A" H-576)

Tabled - March 26, 1986, by Senator DOW of Kennebec.

Pending - ENACTMENT

(In House, March 25, 1986, PASSED TO BE ENACTED.)

(In Senate, March 24, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576) AS AMENDED BY HOUSE AMENDMENT "A" (H-594), thereto, in concurrence.)

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act Relating to a New Registration Plate Issue
H.P. 1540 L.D. 2171
(H "A" H-568)

Tabled - March 17, 1986, by Senator DOW of Kennebec.

Pending - ENACTMENT

(In House, March 17, 1986, PASSED TO BE ENACTED.)

(In Senate, March 13, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-568), in concurrence.)

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

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

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

Tabled - April 10, 1986, by Senator DOW of Kennebec.

Pending - ENACTMENT

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

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

Which 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:

Bond Issue

An Act to Establish the Maine Business Opportunity and Job Development Program
 S.P. 952 L.D. 2387
 (H "A" H-703)

Comes from the House Bill and Accompanying Papers
 INDEFINITELY POSTPONED.

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

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. I would just like to draw your attention to this particular Bond Issue, the Maine Business Opportunity and Job Development Program.

We have yet to discuss it and I would like to make certain that everybody understands exactly what the program is and what this program will do for Maine's economy. We talk an awful lot about economic development and jobs around here and sometimes we actually come up with a concrete proposal to do something about it. That is exactly what we have with this program, and I am very pleased to say that it has received bipartisan support, both in its sponsorship and in the reception that it has had here in the State Senate. I am very pleased at that and I want to thank you all for that support.

This Bond Issue recognizes that there are entrepreneurs in our State with excellent ideas who are ready and willing to help revitalize particularly those businesses and those geographic areas in our State that are having a difficult time. But they realize that the cost of capital and access to capital is an extremely difficult problem here in the State of Maine. We have evidence both by surveys conducted here in the State that access to capital at reasonable rates, particularly at long terms stable rates in virtually an impossibility. And add to that the reduction of programs provided from the Federal Government that has provided access to capital to Maine businesses, particularly small and medium size businesses. It has made the situation even worse. The IDB program is being cut by approximately 75%, the Urban Development Program is being slated for elimination, the Federal Small Business Administration is being slated for elimination at the very least severe deductions.

What that means for our small businesses and our medium size businesses is that a bad situation is about to get even worse. This program is designed to put badly needed capital into the hands of those businesses to get those good ideas off the drawing boards and into the Maine economy to create jobs.

The Finance Authority of Maine estimates that this program is going to create between five and seven hundred new jobs for Maine people. The program is based on a couple of major features, somewhat unique features. First of all, to receive money through this program a business will have to generate private financing. It is a partnership program. It doubles the amount of private financing that an entrepreneur is able to receive from a bank or other private financial sources. Secondly, it directs that financing, it directs this program, into those areas of the economy in the State of Maine that are particularly distressed. It may mean a geographic area, it may mean a particular industry, and by the way we have talked about the traditional industries here in Maine like the manufacturing industries and the cost of capital to those industries and access to capital for those industries, including shoes, wood products and electronics are particularly difficult.

So it directs this capital into those geographic areas, those business areas that need this money the most. Where this money and this economic development will do the most good. The other unique feature to this program is the link up it makes to performance. This is a low interest program, you can receive financing at very reasonable rates, but in order to take full advantage of those reasonable rates, you have to perform.

So you get into the program by, first of all, meeting the basic market test that you have to meet in the private sector. You have to have a business or investment idea that the private sector is willing to invest in. Secondly, you have to, on a competitive basis have a business or an idea that is going to direct itself to those areas of the State that are particularly hard hit economically. Thirdly, in order to get full advantage of this program, you have to be able to demonstrate, not only that you have targeted those areas that need investment so that you are actually able to come through with an investment and able to actually succeed.

Specifically, how that is going to happen is that mid way through this program if you do receive a loan through this program, mid way through the program your business will be evaluated and the degree to which you actually create those new jobs and actually stimulate that economic activity that will determine your interest rate. In other words we are establishing market incentives to reach those goals that we believe so strongly in.

I wanted to put that On the Record and I wanted to let everybody know exactly what this program is doing in a nut shell. Let me just summarize this program by saying that those of us who have been involved in this Bill, have worked for several months. It has actually been over a year that we have been working on this economic development idea. I have traveled the States around New England and I have corresponded with economists around the Country and I have talked to business large and small throughout the State of Maine.

I have asked what kind of economic development program could this State provide that would really make a difference, and that would really target those areas that would benefit the State's economy in a meaningful way. This is what we have come up with, it is an idea that is similar to what other states are doing given the reduction in Federal Programs and aid for their businesses. A majority of States are picking up the ball that the Federal Government has been handing to the states in developing better access to capital. In a state that is a capital poor state like Maine, we have, I believe as a Legislature, an obligation to those businesses and industries that need that capital in picking up the ball as other states have. But it also does something else, and that is unique feature that no other state has done, and that is providing those targeted incentives for businesses to deal with those economic problems and those economic areas that really need addressing and provide for a system of accountability to make certain that before we hand out tax dollars, we make sure we know exactly what we are getting and that we see the performance before we give the full benefit.

I hope you take a hard look at this program and I would like to simply say publicly to all of you, both in my party and in the other party, a warm expression of gratitude for the support and encouragement that we have received and I am hoping that while we are in non-concurrence right now with this issue that this will go down to the other Body and we can send this exciting and constructive economic development proposal to the voters this year. Thank you very much.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. This issue has already been covered very well, but I would like to add just a little. Of all the Bond Issues that I have signed out of Appropriations, this is my favorite.

Because it does provide loans to small or medium size businesses, for an example if a business needed financing of \$100,000, payment would provide up to 50% of the project costs only if the business provided the other 50% through it's equity or another loan. This does not create a give away program, as we have done many times in the past. It creates a revolving loan that will be paid back and, therefore, continue to help other businesses as it is paid back. So I hope that you might support this Bond Issue.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. Very briefly, I rise in complete agreement with my colleagues, Senator McBreairty, the good Senator from Aroostook, and the good Senator from Cumberland, Senator Andrews.

I know that Senator Andrews has worked long and hard on this matter and this is a package, in my opinion, of all of these Bonds, this Bond has the potential to do more good than any other for small and medium size businesses in this State. It has the potential of producing capital in a capital poor state to businesses that are having an ever greater degree of difficulty to obtain capital. There is nothing more than I receive in terms of phone calls from people who are looking for money for construction, renovation, just cash flow and those being small businesses it is exactly in this area that they are having such a problem. I can think of no Bond Issue that has the potential of returning to this State, this is an investment in my opinion, it has a substantial opportunity to return on this investment a substantial amount of income to this State, by maintaining businesses, keeping them profitable, operational, continuing to employ people and being a productive part of the economy in this State. I hope that this Senate will enact this Bond and send it back to the other Body. Thank you.

This being a Bond Authorization Act and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and signed by the President in NON-CONCURRENCE.

Under suspension of the Rules, 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.

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

ORDERS

Joint Resolution

On motion by Senator VIOLETTE of Aroostook (Cosponsored by: President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Representative DIAMOND of Bangor) (Approved for Introduction by the Legislative Council) the following Joint Resolution: S.P. 964

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT, OF THE UNITED STATES THE VICE PRESIDENT OF THE UNITED STATES, MEMBERS OF THE UNITED STATES CONGRESS AND THE SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY TO OPPOSE POLICIES TO BOLSTER THE PRICE OF OIL

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Twelfth Legislative Session, now assembled, most respectfully request and petition the President of the United States, the Vice President of the United States, Members of the United States Congress and the Secretary of the United States Department of Energy as follows:

WHEREAS, the Maine Legislature has learned of efforts by the Federal Government to artificially bolster the price of oil; and

WHEREAS, these efforts by the administration have an adverse impact on the northeastern states which are dependent upon this source of energy; and

WHEREAS, it was the northeast that helped support the oil producing states during the high priced energy crisis of the seventies; and

WHEREAS, the northeast has paid its dues and should not be called upon again now that prices are more affordable through some artificial policy; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully urge and petition the President of the United States, Vice President of the United States, Members of the United States Congress and the Secretary of the United States Department of Energy to oppose any policy which will artificially bolster the price of oil to the detriment of the northeastern states; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the United States and Vice President of the United States, the President of the Senate and the Speaker of the House of Representatives in the United States Congress, the Secretary of the United States Department of Energy and to each Member of the Maine Congressional Delegation.

Which was READ and ADOPTED.

Sent down for concurrence.

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 Provide Funding for the Court Mediation Service through Fees" (Emergency) H.P. 1703 L.D. 2398

Tabled - April 15, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 14, 1986, READ A SECOND TIME.)

(In House, April 14, 1986, PASSED TO BE ENGROSSED.)

Which was PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, all matters thus acted upon 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 Resolution

The Following Joint Resolution: H.P. 1708

JOINT RESOLUTION REQUESTING THE BUREAU OF PURCHASES AND STATE AGENCIES TO GIVE PREFERENCE TO GOODS MANUFACTURED OR PRODUCED IN MAINE AND THE UNITED STATES

WHEREAS, Maine and the United States are confronted with products manufactured or produced outside the United States in nations, many of which, significantly subsidize their producers to a much greater extent than subsidies provided to producers in the United States; and

WHEREAS, subsidized foreign manufacturers and producers are marketing products in the United States and Maine at prices, that in many cases, are significantly less than the prices that United States manufacturers and producers can charge; and

WHEREAS, the price differential in United States markets between foreign produced goods and United States produced goods is achieved by the size of foreign subsidies and the subsistence wages paid to foreign workers; and

WHEREAS, statutory preference requirements for Maine and United States produced goods have encountered challenges in the courts for violation of the interstate and foreign commerce clauses in the United States Constitution; and

WHEREAS, a previous statutory preference given to Maine producers resulted in the retaliation of other states against Maine producers which seriously hurt producers in this State; and

WHEREAS, a statutory preference provision would also result in retaliation by foreign nations against Maine goods sold or marketed in international trade; and

WHEREAS, there is a need to help Maine businesses to compete in the Maine market with foreign producers; and

WHEREAS, there are many cases in which the necessary increase in cost to purchase Maine produced goods or goods produced in the United States are not substantive and the benefits significantly outweigh any disadvantages; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, recommend and urge the Governor, the State Purchasing Agent, all departments and agencies of State Government and the University of Maine System, to the greatest extent possible, to give preference in their purchase of goods, materials and supplies, first to goods produced or manufactured in Maine and second to goods produced or manufactured in the United States; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the Governor, the Commissioner of Finance and Administration, the State Purchasing Agent, the directors and commissioners of departments and agencies of State Government and to the Chancellor and Board of Trustees of the University of Maine System.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

ENACTORS

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

Emergency

An Act to Maintain the Sanford Unemployment Office
S.P. 942 L.D. 2360

Comes from the House FAILING FROM ENACTMENT.

On motion by Senator TUTTLE of York, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-544) READ and ADOPTED.

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

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

Senator TUTTLE: Mr. President, just as a point of clarification what the amendment is doing is removing the Emergency Preamble from the Bill.

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

ORDERS OF THE DAY

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

Bill "An Act to Provide Community Education and Family health Services"
S.P. 835 L.D. 2124
(C "A" S-494)

Tabled - April 15, 1986, by Senator VIOLETTE of Arcostook.

Pending - FURTHER CONSIDERATION

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

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

Senator HICHENS of York, moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator HICHENS of York requested and received Leave of the Senate to Withdraw his motion to Indefinitely Postpone the Bill and Accompanying Papers.

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

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

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects"

H.P. 1440 L.D. 2032

Majority - Ought to Pass in New Draft under same title.

H.P. 1495 L.D. 2107

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-541).

Tabled - April 15, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In House, March 3, 1986, the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.)

(In Senate, March 10, 1986, Bill and Accompanying Papers RECOMMITTED to the Committee on ENERGY AND NATURAL RESOURCES, in NON-CONCURRENCE.)

(In House, April 15, 1986, NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-738) in NON-CONCURRENCE.)

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

Senator BROWN: Mr. President, I am not going to ask for a Division or in any other way to divide on this particular matter. The acceptance of the new draft with the House Amendment "C" (H-738) attached that we have before us.

I do have several questions in my own mind however concerning this particular amendment. This Bill for those that are not aware, this L.D. 2107, is title the Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects, this was the Bill that we originally had and referred back to Committee for further work.

It went back to the other Body and was placed on the Table in mid-March and stayed there until just recently. There are some provisions in House Amendment "C" (H-738), which we have before us, that I don't understand. If the Commissioner fails to act on the certificate within a certain period of time the United States Water Pollution Control Act will be waived. There are some other sections I don't understand about the issuing of Water Quality Standards Certificate, why it even belongs in this particular section.

The Definition of impoundment was one of the real concerns that we had on the original Bill which was referred back to committee in this Body, and that issue is still up for grabs, that has not been determined yet as to what happens to a body of water that is under impoundment, but the Committee Amendment that is before us, is one that has been worked on today by a large number of people and even though these questions still exist in my own mind, it is my understanding that the vast majority feel very comfortable with this. So I will go along with that too. Thank you Mr. President.

On motion by Senator BROWN of Washington, the Senate RECEDED and CONCURRED.

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

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

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)

Tabled - April 15, 1986, by Senator PEARSON of Penobscot.

Pending - Motion of same Senator to INDEFINITELY POSTPONE Bill and Accompanying Papers

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

(In Senate, April 11, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-477).)

Senator PEARSON of Penobscot requested and received Leave of the Senate to Withdraw his motion to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

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

Senator PEARSON: Mr. President, while the Appropriations Table was being cleared, but not before, we were told that this had no fiscal impact and it has been proven to be so. So consequently, it should not have been on the Appropriations Table. I only regret that we hadn't known that before.

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

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

Off Record Remarks

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

On motion by Senator BLACK of Cumberland ADJOURNED until Wednesday, April 16, 1986, at 10 o'clock in the morning.