

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**  
**FIRST REGULAR SESSION**  
December 3, 1986 to May 22, 1987

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Thursday  
April 9, 1987

Senate called to Order by the President Pro Tem,  
Senator Michael D. Pearson of Penobscot.

Prayer by the Honorable Nancy Randall Clark of  
Cumberland.

SENATOR CLARK: Let us be in the spirit of  
prayer. God, be merciful to us and bless us. Look  
on us with kindness so that we may know Your will and  
the power of Your love, in Jesus Christ, our Lord.  
Amen.

Off Record Remarks

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Measure Mileage Payments to  
Jurors"

S.P. 144 L.D. 398  
(C "A" S-16)

In Senate, April 6, 1987, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-16).

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-16) AS AMENDED  
BY HOUSE AMENDMENT "A" (H-54), thereto in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Increase the Fees for Examination  
and Licensure for Chiropractors"

S.P. 96 L.D. 243  
(C "A" S-8)

In Senate, March 24, 1987, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-8).

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "A" (H-55) in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide Administrative Support  
Services to the Maine Job-start Loan Program  
Agencies"

H.P. 850 L.D. 1144

Bill "An Act to Provide Funding for Telephones at  
Communicare Centers Located in each County"

H.P. 853 L.D. 1147

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

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

Bill "An Act to Increase Educational Opportunity  
for Economically and Educationally Disadvantaged  
Residents"

H.P. 847 L.D. 1138

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS  
suggested and ORDERED PRINTED.

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

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

Bill "An Act to Give Local Election Wardens  
Authority to Select Locations where Signatures may be  
Collected"

H.P. 851 L.D. 1145

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

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

Bill "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. 855 L.D. 1149

Comes from the House referred to the Committee on  
STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND  
LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Passing a School Bus With  
Flashing Red Lights"

H.P. 852 L.D. 1146

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

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

Bill "An Act to Prohibit Initial Service Charges  
by Public Utilities"

H.P. 854 L.D. 1148

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

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

Pursuant to Resolves

Joint Select Committee on Economic Development  
The JOINT SELECT COMMITTEE ON ECONOMIC  
DEVELOPMENT, pursuant to Resolves 1985, Chapters 45  
and 53, ask leave to submit its findings and to  
report that the accompanying Bill "An Act to Create  
the Department of Community and Economic Development  
and to Establish Consistency among Economic  
Development Laws"

H.P. 857 L.D. 1151

Be referred to the Joint Standing Committee on  
ECONOMIC DEVELOPMENT for Public Hearing and printed  
pursuant to Joint Rule 18.

Comes from the House with the Report READ and  
ACCEPTED and the Bill referred to the Committee on  
ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to  
Joint Rule 18.

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill referred to the Committee on ECONOMIC  
DEVELOPMENT and ORDERED PRINTED, pursuant to Joint  
Rule 18, in concurrence.

Joint Resolutions

The Following Joint Resolution: H.P. 859  
JOINT RESOLUTION IN GRATITUDE

TO PRIVATE AND PUBLIC INDIVIDUALS  
AND ORGANIZATIONS WHO WORKED TO PROTECT LIFE  
AND PROPERTY FROM THE DEVASTATING FLOOD OF 1987  
WHEREAS, the flood of 1987 marks one of the worst  
natural disasters in a half century of Maine's  
history; and  
WHEREAS, across the State record flood levels  
were smashed by rampaging waters as Maine's people  
fought back, refusing to yield a single life; and  
WHEREAS, in answer to our Governor's call, the  
Maine National Guard immediately dedicated its  
manpower and machinery to this emergency; and  
WHEREAS, the Red Cross, true to its image and  
purpose, responded by providing emergency shelter,  
food and medical care to those in distress; and  
WHEREAS, every level of government, including  
state, county and local law enforcement and fire and  
rescue services gave full measure of effort to aid  
neighbors and community and maintain public safety;  
and  
WHEREAS, there are countless heroic stories to be  
told of neighbor helping neighbor save life and  
property from the onrushing water; now, therefore, be  
it

RESOLVED: That the members of the 113th  
Legislature of the State of Maine take this  
opportunity to recognize the Maine National Guard,  
the Red Cross, Salvation Army, state, county and  
local employees and the many groups, organizations  
and individuals who offered so much in the protection  
of our citizens and prevention of death or serious  
injury and to express our thanks for outstanding work  
under hazardous conditions; and be it further  
RESOLVED: That a copy of this resolution be  
prepared and forwarded forthwith to representatives  
of the organizations and agencies named herein and to  
the town offices across the State in token of our  
admiration and gratitude.

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication:  
STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

April 8, 1987  
Hon. Joy J. O'Brien  
Secretary of the Senate  
State House Station #3  
Augusta, ME 04333  
Dear Madam Secretary:  
I have appointed Senator Michael Pearson as President  
Pro Tempore in my absence on Thursday, April 9, 1987.  
I have appointed Senator Dennis Dutremble as  
President Pro Tempore in my absence on Friday, April  
10, 1987.  
Please let me know if you have any questions about  
these appointments.  
Sincerely,  
S/Charles P. Pray  
President of the Senate  
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 3, 1987  
President Pray  
Speaker Martin  
State House

Augusta, ME 04333  
Dear President Pray and Speaker Martin:  
The Joint Standing Committee on Energy and  
Natural Resources is pleased to submit the three  
attached bill drafts developed through our study of  
Solid Waste Management and Disposal Policy in Maine  
pursuant to Chapter 137 of the Private and Special  
Laws of 1985. The committee submits these  
complimentary bills as a package for introduction,  
printing and referral. The text of the committee's  
study report is being completed by the Office of  
Policy and Legal Analysis for our approval. It will  
be sent to you under separate cover. We anticipate  
that it will be available when the attached bills are  
printed and distributed.

We hope you find this report a useful tool in our  
continuing efforts to ensure the provision of  
environmentally sound solid waste management in Maine.  
Sincerely,  
S/Sen. Ronald Usher, Chair  
S/Rep. Michael Michaud, Chair  
Which was READ and with Accompanying Papers  
ORDERED PLACED ON FILE.

The Following Communication:  
STATE OF MAINE  
SUPREME JUDICIAL COURT  
PORTLAND, MAINE 04112  
April 8, 1987

The Honorable Charles P. Pray  
President of the Senate  
State House  
Augusta, Maine 04333  
Dear President Pray:  
On behalf of my colleagues, I have the honor to  
transmit herewith the answer of the Justices of the  
Supreme Judicial Court given pursuant to the Senate's  
request for an advisory opinion of the Justices dated  
February 19, 1987.

Cordially,  
S/David A. Nichols

ANSWER OF THE JUSTICES

To the Honorable Senate of the State of Maine:  
In compliance with the provisions of Article VI,  
Section 3 of the Constitution of Maine, we, the  
undersigned Justices of the Supreme Judicial Court,  
respectfully submit the following reply to the  
request of the Honorable Senate made on February 19,  
1987 for an opinion on certain propounded questions.  
Only under carefully confined conditions does the  
Maine Constitution impose responsibility upon the  
Justices of the Supreme Judicial Court to render  
opinions outside the context of adversarial  
litigation. Opinion of the Justices, 437 A.2d 597,  
610 (Me. 1981); Opinion of the Justices, 355 A.2d  
341, 388 (Me. 1976). Such opinions are  
constitutionally permissible only on "important  
questions of law, and upon solemn occasions." Me.  
Const. art. VI § 3. Accordingly, upon receiving a  
request for an advisory opinion from the Governor or  
either branch of the Legislature, the first duty of  
each Justice is to determine whether the questions  
propounded satisfy these constitutional  
requirements. Opinion of the Justices, 437 A.2d at  
610; Opinion of the Justices, 355 A.2d at 388.  
Because we conclude that the circumstances under  
which the questions here propounded do not rise to  
the level of a "solemn occasion," we respectfully  
decline to answer them.  
Two purposes underlie the solemn occasion"  
requirement. One is the preservation of the  
separation of governmental powers. Opinions of the  
Justices, 95 Me. 564, 566, 51 A. 244, 225 (1901).

Our learned predecessors on this Court have said: "[I]t would not be proper for the members of the court to give an official opinion, outside of judicial proceedings, which might have the effect of influencing the action of other departments of government, except upon such occasions as are within the contemplation of the Constitution." *Id.* More recently the Justices of this Court stated: "The boundaries set by the Constitution on our duty to furnish opinions are jurisdictional in nature and must be strictly observed in order to preserve the fundamental principle of the separation of the judicial from the executive and legislative branches of government." Opinion of the Justices, 437 A.2d at 610-11 (quotation and citation omitted).

The second purpose that is served by the "solemn occasion" requirement is the preservation of citizens' rights to resolve controversies under due process of law.

[S]uch questions frequently affect the individual rights of citizens, and, unless the occasion is within the contemplation of the Constitution, the question should be submitted in a judicial proceeding where all persons interested may have an opportunity to appear and be heard in their behalf. An opinion given in answer to questions thus propounded, without notice, hearing or argument, although it has not the binding force of a judgment of court, is certainly prejudicial to the interests of those to whom it is adverse.

Opinion of the Justices, 95 Me. at 566, 51 A. at 225. See Opinion of the Justices, 103 Me. 506, 517-18, 69 A. 627, 632 (1908) (Savage, J., answering individually).

Our advisory opinions are appropriate when they enable the body making the inquiry to "consider and act upon the questions submitted in the exercise of the legislative or executive powers intrusted to it by the Constitution and laws of the state." Opinion of the Justices, 95 Me. at 567, 51 A. at 225. See Opinion of the Justices, 460 A.2d 1341, 1349 (Me. 1982). Conversely, "[w]here the requesting body can take no immediate action on the answer, no solemn occasion exists to provide the required constitutional authority for an advisory opinion." *Id.*; see also Opinion of the Justices, 103 Me. at 516, 69 A. at 631 ("when there is no pending legislation touching which the opinion of the Justices is asked...it is not a solemn occasion") (Savage, J., answering individually). Advisory opinions of the Justices must pertain to matters of "instant, not past nor future, concern; things of live gravity." E.g. Opinion of the Justices, 437 A.2d at 611; Opinion of the Justices, 355 A.2d at 389; Opinion of the Justices, 260 A.2d 142, 146 (Me. 1969). There is no solemn occasion where the Justices' advice would relate to matters merely "tentative, hypothetical, and abstract." Opinion of the Justices, 371 A.2d 616, 620 (Me. 1977) (quoting Opinion of the Justices, 330 A.2d 912, 915 (Me. 1975)).

In the matter before us, the Senate's request, taken as a whole, asks for an advisory opinion concerning a bill and a resolve, neither of which are pending for immediate action /by the Legislature. Both Legislative Document 119 and Legislative Document 347 are still pending before the Joint Standing Committee on Legal Affairs. It is possible that neither measure will be reported out of committee, in which event no action by the Senate would be required. If the Senate as a body fails to act, the Justices will find themselves "in the anomalous situation of having expressed opinions upon important questions of law when subsequent events

clearly demonstrate [that] no solemn occasion existed." Opinion of the Justices, 355 A.2d at 389. See Opinion of the Justices, 95 Me. at 571, 51 A. at 227. The furnishing of an opinion in these circumstances may well constitute a breach of our constitutional duty to render opinions only under the limited conditions specified in Article VI, section 3. The rendering of an opinion might also inadvertently influence the direction of legislative action while in its formative stages and thereby violate the separation of powers mandated by Article III, section 2.

Although the status of a bill in committee is not alone conclusive, we have said that ordinarily no solemn occasion exists when the subject matter of questions presented to us are pending in committee and are not yet before the inquiring branch of the Legislature. Opinion of the Justices, 370 A.2d 654, 667 (Me. 1977); Opinion of the Justices, 355 A.2d at 389. We have departed from this position only when (1) the Legislature has been faced with problems of "overwhelming magnitude," (2) much of the legislative work to overcome the problems would be undertaken in committee, (3) the problems presented issues of "great immediate public concern," and (4) it appeared reasonably certain that whatever happened in committee to the pending legislative documents in question, the Legislature, during its current session, will be directly involved with the issues raised by the questions about which our opinion is sought. See Opinion of the Justices, 370 A.2d at 667; Opinion of the Justices, 355 A.2d at 389. In such circumstances, we have held that a solemn occasion exists despite the fact that the Legislature is not immediately ready to act upon our response to the questions submitted. See 370 A.2d at 667 (bill in committee pertaining to repeal of uniform property tax deemed to have met those conditions); 355 A.2d at 390 (bill in committee pertaining to due process rights of criminal defendants affecting substantial part of Criminal Code deemed to have met those conditions). See also Opinion of the Justices, 338 A.2d 802 (Me. 1975) (no discussion of "solemn occasion" requirement, but bill in committee pertaining to adoption of new Criminal Code, as later explained in 355 A.2d at 389, met those conditions).

The questions propounded to us by the Senate Order in the instant matter are not surrounded by the special circumstances that would warrant our departure from the established interpretation that no solemn occasion exists when the legislative branch is not immediately prepared to act on the opinion it requests. Although we recognize the importance of the Senate's questions, there is no assurance that the measures on which the Senate seeks our advice will be reported out of committee, and it does not appear that extensive committee work on the measures is contemplated. Cf. Opinion of the Justices, 370 A.2d at 667; Opinion of the Justices, 355 A.2d at 390; Opinion of the Justices, 338 A.2d 802. In sum, we conclude that a solemn occasion does not exist because the questions we are asked to address do not relate to matters under active consideration by the Legislature; they lack "live gravity" and remain "tentative, hypothetical, and abstract." See Opinion of the Justices, 460 A.2d at 1349; Opinion of the Justices, 437 A.2d at 611. We are therefore without constitutional authority to render an advisory opinion on the questions presented. See Opinion of the Justices, 460 A.2d at 1349; Opinion of the Justices, 260 A.2d at 146; Opinion of the Justices, 95 Me. at 571, 51 A. at 225.

For the foregoing reasons, in compliance with the terms of Article VI, section 3, of the Maine

Constitution we must respectfully decline to render an advisory opinion on the questions propounded.  
Dated April 8, 1987.

Respectfully submitted,  
S/David A. Nichols  
S/David G. Roberts  
S/Daniel E. Wathen  
S/Caroline D. Glassman  
S/Louis Scolnik  
S/Robert W. Clifford  
Associate Justices

To the Honorable Senate of the State of Maine:

In view of the fact that in private practice prior to September 1977 I represented the corporate owner of the Maine Yankee Power Plant, it would be inappropriate for me to render an opinion in response to the submitted questions. Therefore, I respectfully decline to answer.  
Dated April 8, 1987.

S/Vincent L. McKusick  
Chief Justice

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

The Following Communication:

COMMITTEE ON FISHERIES AND WILDLIFE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
April 7, 1987

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of William J. Vail of Newfield, for appointment as the Commissioner of Fisheries and Wildlife.

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

YEAS: Senators 3  
Representatives 9  
NAYS: 0  
ABSENT: 1 Rep. Walker of Norway  
(excused-ill)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William J. Vail of Newfield, for appointment as the Commissioner of Fisheries and Wildlife be confirmed.

Sincerely,  
S/Edgar E. Erwin  
Senate Chair  
S/Paul F. Jacques  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended the nomination of William J. Vail of Newfield for appointment as the Commissioner of Fisheries and Wildlife be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

At this time, the Chair noted the absence of the Senator from Penobscot, Senator PRAY and further excused the same Senator from today's Roll Call votes.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - MICHAEL D. PEARSON

ABSENT: Senators BLACK, KERRY

EXCUSED: Senator PRAY

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of William J. Vail for appointment as the Commissioner of Fisheries and Wildlife, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act Concerning Comprehensive Drug Prevention Education in Maine's Public Schools"  
S.P. 381 L.D. 1158

Presented by Senator BRAWN of Knox  
Cosponsored by: Senator RANDALL of Washington, Representative HARPER of Lincoln, Senator TWITCHELL of Oxford  
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Identify the Potential Hazards of Paint Removal by Means of Heat"  
S.P. 383 L.D. 1160

Presented by Senator RANDALL of Washington  
Cosponsored by: Representative SIMPSON of Casco, Representative PINES of Limestone, Representative MANNING of Portland  
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Civil Commitment Procedures to Protect the Health and Safety of Certain Mentally Ill Individuals"

S.P. 387 L.D. 1204

Presented by Senator GILL of Cumberland  
Cosponsored by: Senator GAUVREAU of Androscoggin, Representative PARADIS of Augusta, Representative TAYLOR of Camden  
Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Clarify the Freedom of Access Law"

S.P. 384 L.D. 1161

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative PARADIS of Augusta, Representative FOSTER of Ellsworth, Senator BLACK of Cumberland  
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.  
Sent down for concurrence.

Resolve, Authorizing Floris Doiron of Auburn to Bring a Civil Action Against the State of Maine

S.P. 379 L.D. 1157

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative DORE of Auburn, Representative COTE of Auburn  
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Charitable Solicitations Laws"

S.P. 382 L.D. 1159

Presented by Senator BRAWN of Knox  
Cosponsored by: Representative MACBRIDE of Presque Isle  
Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 380 L.D. 1156

Presented by Senator COLLINS of Aroostook  
Cosponsored by: Senator LUDWIG of Aroostook, Senator THERIAULT of Aroostook

Bill "An Act to Consolidate and Improve the Administration of Workers' Compensation in State Government"

S.P. 385 L.D. 1162

Presented by Senator DOW of Kennebec  
Cosponsored by: Representative FOSTER of Ellsworth, Senator COLLINS of Aroostook, Representative CONNOLLY of Portland  
Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Provide for Renewal of Auto Registration and Inspection Sticker at the Same Time"

S.P. 386 L.D. 1163

Presented by Senator DOW of Kennebec  
Cosponsored by: Representative STROUT of Corinth  
Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

COMMITTEE REPORTS

House  
Ought Not to Pass

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

Bill "An Act to Allow a County Treasurer to Appoint a Deputy Treasurer"

H.P. 285 L.D. 368

Leave to Withdraw

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

Bill "An Act Relating to Lands within Indian Territory"

H.P. 137 L.D. 178

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Candidates for the Maine Legislature to be Residents of the District Which they Seek to Represent by January 1st Preceding the Date of the General Election

H.P. 144 L.D. 185

Resolve, Concerning State Government Reorganization

H.P. 154 L.D. 195

Bill "An Act to Require Municipalities to Pay Court Costs and Attorneys Fees in Certain Suits"

H.P. 455 L.D. 610

Bill "An Act Relative to Guardian Ad Litem Appointments in Adoption Proceedings"

H.P. 456 L.D. 611

Bill "An Act to Require Beekeepers to Effectively Protect Hives Placed in Areas with Dense Bear Populations"

H.P. 605 L.D. 823

Bill "An Act to Amend the Maine State Retirement System"

H.P. 672 L.D. 905

Bill "An Act Concerning Fees Imposed on the Generation of Hazardous Waste"

H.P. 731 L.D. 983

Change of Reference

The Committee on BANKING AND INSURANCE on Bill "An Act Relating to Liability Insurance for Emergency Medical Service"

H.P. 636 L.D. 859

Reported that the same be REFERRED to the Committee on JUDICIARY.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on JUDICIARY, in concurrence.

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1987 (Emergency)

H.P. 858 L.D. 1152

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 23.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1987 (Emergency)

H.P. 860 L.D. 1153

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 23.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend Provisions of the Maine Insurance Code Dealing with Capital and Surplus Requirements of Insurers"

H.P. 359 L.D. 462

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-53).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-53) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Clarify Enforcement of Insurance Coverage Requirements of the Workers' Compensation Law" (Emergency)

H.P. 304 L.D. 390

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-52).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-52) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on TRANSPORTATION on Bill "An Act to Amend the Implementation of the International Registration Plan under the Motor Vehicle Laws"

H.P. 220 L.D. 272

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend Implementation of the International Registration Plan and Apportioned Fees for Certain Commercial Vehicles"

H.P. 820 L.D. 1108

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Off Record Remarks

Senate

Leave to Withdraw

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

Bill "An Act to Clarify Core Part Trade-in"

S.P. 255 L.D. 706

Resolve, to Name the Eastport Breakwater the Harry L. Vose Breakwater

S.P. 269 L.D. 750

Ought to Pass As Amended

Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act Relating to Active Retired Judges in the Administrative Court"

S.P. 190 L.D. 517

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-27).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-27) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate

Bill "An Act to Provide for District Elections in Piscataquis County"

S.P. 166 L.D. 470

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Establish a Commemorative Day in Honor of Samantha Smith"

S.P. 149 L.D. 403

(C "A" S-24)

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

Sent down for concurrence.

ENACTORS

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

An Act Concerning Notice of Evictions for Cause in Mobile Home Parks

S.P. 59 L.D. 126

(C "A" S-15)

An Act to Amend the State Antitrust Laws

H.P. 214 L.D. 266

(C "A" H-44)

An Act Relating to Absentee Balloting by Residents of Nursing Homes, Boarding Homes and Congregate Housing Units



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H.P. 705 L.D. 947

An Act to Provide for the Creation of Liens and Sales on Small Motors

H.P. 768 L.D. 1031

An Act Requiring Proper Placement of Motor Vehicle Dealer Plates

H.P. 771 L.D. 1034

An Act Relating to Rate-setting Procedures by Municipally-owned Utilities

H.P. 772 L.D. 1035

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

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Emergency

An Act Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility

H.P. 231 L.D. 299

(C "A" H-48)

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.

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Senate at Ease

Senate called to order by the President.

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On motion by Senator CLARK of Cumberland, ADJOURNED until Friday, April 10, 1987, at 12:00 in the afternoon.