

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
Tuesday
May 19, 1987

Senate called to Order by the President.

Prayer by Reverend Ralph Tucker, retired, of Georgetown.

REVEREND TUCKER: Let us pray. Almighty God, giver of all good things, we thank You for the natural majesty and beauty of this land, they restore us, though we often destroy them. We thank You for the great resources of this nation, they make us rich, although we often exploit them. We thank You for the men and women who have made this country strong, they are models for us, although we often fall short of them. We thank You for the torch of Liberty, which has been lit in this land. It has drawn people from every nation, though we have often hidden from its' light. We thank You for the faith we have inherited and its' rich variety, it sustains our life, though we have been faceless again and again. Help us, O Lord, to finish the good work here begun. Strengthen our efforts to blot out ignorance and prejudice and to abolish poverty and crime. Hasten the day when all our people with many voices in one united chorus. O glorify Your holy name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

JOINT ORDER - recalling Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative files, to the Senate

S.P. 504

In Senate, May 12, 1987, READ and PASSED.

Comes from the House FAILING OF PASSAGE in NON-CONCURRENCE.

The Senate INSISTED.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
May 15, 1987

MEMORANDUM

TO: President Pray, Speaker Martin and Members of the 113th Legislature

FROM: S/John R. Mckernan, Jr., Governor

SUBJECT: Maine Labor Report

Attached is a report entitled, The Maine Labor Force to the Year 2000 and Related Human Resource Issues, prepared by the Maine Department of Labor. The report clearly points out the need in Maine for a coordinated and comprehensive approach in meeting our human resource demands for the 1990's and beyond.

I will be presenting a plan of action that will begin to address the critical human resource issues that are facing the State of Maine. If we want to compete nationally and internationally we must begin now to train, retrain and upgrade our work force.

I am looking forward to working with you during the next four years in making Maine an opportunity state for all its people.

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

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 18, 1987

Honorable Joy J. O'Brien
Secretary of the Senate
113th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Initial Plates under the Motor Vehicle Laws" (H.P. 40) (L.D. 43):

Representative MACOMBER of South Portland
Representative CONLEY of Portland
Representative McPHERSON of Eliot

Sincerely,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case"

S.P. 537 L.D. 1623

Presented by Senator WEBSTER of Franklin

Cosponsored by: Senator PEARSON of Penobscot, Representative WEBSTER of Cape Elizabeth, Representative WEYMOUTH of West Gardiner

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors"

S.P. 538 L.D. 1627

Presented by Senator GILL of Cumberland

Cosponsored by: Representative MANNING of Portland, Representative TAYLOR of Camden, Representative FARNUM of South Berwick

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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

Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Law" (Emergency)

S.P. 539 L.D. 1628

Presented by Senator CAHILL of Sagadahoc

Cosponsored by: Representative RICE of Stonington, Representative LOOK of Jonesboro, Representative CROWLEY of Stockton Springs

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

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.

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 Relating to the Issuance of Bonds"
H.P. 800 L.D. 1074

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 Establish a Maine High-Risk Insurance Organization to make Health Insurance Available to People who are Unable to Obtain Health Insurance for Health Reasons"
H.P. 96 L.D. 106

Bill "An Act to Provide Funds for Maine's Participation in the Main Street Program"
H.P. 555 L.D. 753

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"
H.P. 642 L.D. 865

Bill "An Act to Require that Persons Operating a Licensed Nursery School or Preschool Meet Certain Qualification Requirements"
H.P. 748 L.D. 1011

Bill "An Act to Expand the State Employee Assistance Program"
H.P. 752 L.D. 1015

Bill "An Act Relating to Requirements for License to Operate a Nursery School"
H.P. 788 L.D. 1060

Bill "An Act to Permit the Use of State Agencies to House County Inmates in Emergency Situations"
H.P. 795 L.D. 1067

Bill "An Act to Provide Funding for Telephones at Communicare Centers Located in each County"
H.P. 853 L.D. 1147

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles"
H.P. 950 L.D. 1279

Bill "An Act to Amend Procedural Safeguards Regarding Juvenile Offenders"
H.P. 973 L.D. 1320

Change of Reference

The Committee on HUMAN RESOURCES on Bill "An Act to Protect Abused Children and Dependent Adults"
H.P. 1131 L.D. 1541

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.

The Committee on HUMAN RESOURCES on Bill "An Act to Promote the Coordination of State Prevention Programs for Juveniles"
H.P. 1133 L.D. 1543

Reported that the same be REFERRED to the Joint Select Committee on CORRECTIONS.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Joint Select Committee on CORRECTIONS.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Joint Select Committee on CORRECTIONS, in concurrence.

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Relating to the Cost-of-living Formula for Retirees under the Maine State Retirement System"
H.P. 749 L.D. 1012

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

The Joint Select Committee on CORRECTIONS on Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles"
H.P. 105 L.D. 115

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Amend the Watercraft Excise Tax Law"
H.P. 221 L.D. 273

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-129).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-129) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Permit the Annual Filing of Certain Fuel Use Reports"
H.P. 681 L.D. 922

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-135).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-135) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Facilitate the Transfer of Information Between the Department of Human Services and the Bureau of Taxation"

H.P. 693 L.D. 934

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-136).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-136)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-136) READ and ADOPTED, in concurrence.

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

The Committee on TRANSPORTATION on Bill "An Act to Amend the Truck Size and Weight Laws"

H.P. 654 L.D. 882

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-139).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-139) READ and ADOPTED, in concurrence.

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

Ought to Pass in New Draft

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Equalize Retirement Credits for Air and Army National Guardsmen"

H.P. 936 L.D. 1252

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

H.P. 1177 L.D. 1606

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-142).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-142) READ and ADOPTED, in concurrence.

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

Ought to Pass in New Draft under New Title

The Committee on BUSINESS LEGISLATION on Bill "An Act Relating to Redemption of Manufacturers' Rebates in the Sale of Consumer Goods"

H.P. 156 L.D. 197

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Relating to the Availability of Rebate Forms for Manufacturers' Rebates"

H.P. 1179 L.D. 1608

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Postgraduate Residency Requirements for Physicians" (Emergency)

H.P. 314 L.D. 413

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Postgraduate Residency Requirements for Certain Physicians" (Emergency)

H.P. 1180 L.D. 1609

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act Concerning the Maine Railroad Excise Tax"

H.P. 531 L.D. 715

Reported that the same Ought Not to Pass.

Signed:

Representatives:

SEAVEY of Kennebunkport

CASHMAN of Old Town

MAYO of Thomaston

JACKSON of Harrison

DORE of Auburn

NADEAU of Saco

SWAZEY of Bucksport

ZIRNKILTON of Mount Desert

INGRAHAM of Houlton

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-140).

Signed:

Senators:

TWITCHELL of Oxford

DOW of Kennebec

SEWALL of Lincoln

Representative:

DUFFY of Bangor

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Minority OUGHT TO PASS AS AMENDED Report was ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-140) READ and ADOPTED in NON-CONCURRENCE.

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

Divided Report

The Majority of the Committee on UTILITIES on Bill "An Act to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates"

H.P. 739 L.D. 1002

Reported that the same Ought Not to Pass.

Signed:

Senators:

KERRY of York
ERWIN of Oxford
WEBSTER of Franklin

Representatives:

VOSE of Eastport
RICHARD of Madison
O'GARA of Westbrook
WEYMOUTH of West Gardiner
WILLEY of Hampden
NICHOLSON of South Portland
WEBSTER of Cape Elizabeth

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

Signed:

Representatives:

BAKER of Portland
ALLEN of Washington
HOLT of Bath

Comes from the House Bill and Accompanying Papers RECOMMENDED to the Committee on UTILITIES.

Which Reports were READ.

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers RECOMMENDED to the Committee on UTILITIES, in concurrence.

Senate

Leave to Withdraw

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

Bill "An Act Concerning Disclosure of Costs Related to Attorneys Contingency Fees"

S.P. 236 L.D. 630

SECOND READERS

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

House

Bill "An Act Concerning the Taking of Smelts"

H.P. 1153 L.D. 1568

Bill "An Act to Amend Certain Election Laws"

H.P. 1154 L.D. 1569

Resolve, to Permit Reginald and Alice Huard to Sue the State for Compensation for Losses Claimed to have been Suffered as a Result of Claims of Child Abuse Instituted by the State

H.P. 1155 L.D. 1570

Bill "An Act Relating to the Purchase of Alcoholic Beverages by Minors"

H.P. 1156 L.D. 1571

Bill "An Act to Develop a Managed Care Insurance Plan Demonstration for Uninsured Individuals and Repeal of the Catastrophic Illness Program Law" (Emergency)

H.P. 1169 L.D. 1574

Bill "An Act to Change the Water Quality Classification of the Carrabassett River and certain of its Tributaries"

H.P. 1170 L.D. 1596

Bill "An Act to Establish the Well Water Information Law"

H.P. 1171 L.D. 1597

Bill "An Act Concerning Prizes Awarded by Charitable Organizations"

H.P. 1172 L.D. 1598

Bill "An Act to Exempt Liquid Asphalt from the Ground Water Oil Clean-up Fee"

H.P. 1173 L.D. 1599

Bill "An Act Concerning Smoking in Restaurants"

H.P. 1174 L.D. 1600

Resolve, Reestablishing the Maine Commission on the Role of State Government in Providing Independent

Living Opportunities and Services to Disabled Persons (Emergency)

H.P. 1176 L.D. 1602

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

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors"

H.P. 1175 L.D. 1601

Which was READ A SECOND TIME.

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

House As Amended

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

H.P. 641 L.D. 864
(C "A" H-132; H "A" H-137)

Bill "An Act to Clarify and Amend the Maine State Retirement Law"

H.P. 750 L.D. 1013
(C "A" H-134)

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Emergency Resolve

Resolve, Establishing the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities

H.P. 1115 L.D. 1509

Tabled - May 18, 1987, by Senator CLARK of Cumberland.

Pending - FINAL PASSAGE

(In House, May 15, 1987, FINALLY PASSED.)

(In Senate, May 13, 1987, PASSED TO BE ENGROSSED, in concurrence.)

On motion by Senator TWITCHELL of Oxford, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-68) 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Authority for Recruitment and Retention Stipends" (Emergency)

H.P. 1192 L.D. 1624

Bill "An Act to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency"

H.P. 1194 L.D. 1626

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

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

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

PAPERS FROM THE HOUSE

Pursuant to the Statutes

COMMITTEE ON FISHERIES AND WILDLIFE

The Committee on FISHERIES AND WILDLIFE, pursuant to the Maine Revised Statutes, Title 12, section 7035, subsection 4, paragraph B ask leave to submit its findings and to report that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1190 L.D. 1621

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS 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 APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Off Record Remarks

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

Off Record Remarks

Senator DILLENBACK of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator TWITCHELL of Oxford, RECESSED until 5:00 this afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

JOINT ORDER - recalling Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative files to the Senate

S.P. 504

In Senate, May 12, 1987, READ and PASSED.

In House, May 18, 1987, FAILED OF PASSAGE in NON-CONCURRENCE.

In Senate, May 19, 1987, INSISTED.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

The Senate INSISTED and JOINED IN A COMMITTEE OF CONFERENCE.

Non-concurrent Matter

SENATE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Amend the Law Regarding the Violation of Imprudent Speed"

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In Senate, May 18, 1987, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

The Senate INSISTED.

Sent down for concurrence.

Non-concurrent Matter

HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act Concerning Proof of Insurance on School Buses"

H.P. 863 L.D. 1164

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-130).

In House, May 18, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130).

In Senate, May 18, 1987, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act Permitting Private Mediation for Divorcing Couples"

H.P. 1114 L.D. 1508

In Senate, May 13, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House the Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY in NON-CONCURRENCE.

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

House Papers

Bill "An Act to Provide Funds to Local School Administrative Units and to the Department of Educational and Cultural Services to Implement and Meet the Requirements of the Teacher and Administrator Certification Laws" (Emergency)

H.P. 1193 L.D. 1625

Committee on EDUCATION suggested and ORDERED PRINTED.

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

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

COMMUNICATIONS

The Following Communication:

113th MAINE LEGISLATURE

May 15, 1987

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station #3

Augusta, ME 04333

Dear Madam Secretary:

Pursuant to our authority under M.R.S.A. 507-B, Section 9, we are pleased to appoint Mr. Peter

Leslie, Mr. Joseph Hakanson, and the Honorable Samual Shapiro to serve on the Committee to Study the Retirement System. Please let us know if you have any questions about these appointments.

Sincerely,
S/Charles P. Pray President of the Senate
S/John L. Martin Speaker of the House
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 18, 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 Business Legislation has had under consideration the nomination of Joanna Dennis of Waterville, for appointment to the Maine Real Estate Commission.

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 2
Representatives 10
NAYS: 0

ABSENT: 1 Sen. Whitmore of Androscoggin

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 Joanna Dennis of Waterville, for appointment to the Maine Real Estate Commission be confirmed.

Sincerely,
S/John E. Baldacci
Senate Chair
S/Carol M. Allen
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on BUSINESS LEGISLATION has recommended the nomination of Joanna Dennis of Waterville for appointment to the Maine Real Estate Commission be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on BUSINESS LEGISLATION 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.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE,
BLACK, BRANNIGAN, BUSTIN, CLARK,
COLLINS, DILLENBACK, DOW, EMERSON,
ERWIN, ESTES, GAUVREAU, GILL, GOULD,
KANY, KERRY, LUDWIG, MATTHEWS,
MAYBURY, PEARSON, PERKINS, RANDALL,
SEWALL, THERIAULT, TUTTLE, TWITCHELL,
WEBSTER, WHITMORE, THE PRESIDENT -
CHARLES P. PRAY

ABSENT: Senators BRAWN, CAHILL, DUTREMBLE,
USHER

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, 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 Joanna Dennis for appointment to the Maine Real Estate Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Repeal Loyalty Oaths for Civil Emergency Preparedness Personnel"

H.P. 1092 L.D. 1483

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Clarify Existing Law Regarding the Loss of Military Property"

H.P. 1094 L.D. 1485

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Repeal the Removal of Ice Jams Provisions from the State Civil Emergency Preparedness Law"

H.P. 1095 L.D. 1486

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Continue the Pine Tree Partnership Fund Program"

H.P. 207 L.D. 259

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Require Safety Engineering and Loss Control in Workers' Compensation Insurance Rate-Making Proceedings"

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H.P. 1011 L.D. 1364

Reported that the same Ought to Pass.
Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Assure Responsibility in Regulatory Decision Making"

H.P. 59 L.D. 62

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-141).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-141) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Require Archery Hunter Training"

H.P. 914 L.D. 1226

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-144).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-144) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on UTILITIES on Bill "An Act to Create a Code of Ethics for Public Utilities Commissioners"

H.P. 794 L.D. 1066

Reported that the same Ought Not to Pass.

Signed:

Senators:

KERRY of York
ERWIN of Oxford
WEBSTER of Franklin

Representatives:

VOSE of Eastport
RICHARD of Madison
O'GARA of Westbrook
WEYMOUTH of West Gardiner
WILLEY of Hampden
NICHOLSON of South Portland
WEBSTER of Cape Elizabeth

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

Signed:

Representatives:

BAKER of Portland
ALLEN of Washington
HOLT of Bath

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Senate

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 Requiring State Troopers to Engage in Traffic Control Detail During Highway Construction"

S.P. 404 L.D. 1255

Leave to Withdraw

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

Bill "An Act to Change the Exit Sign for Sugarloaf on the Maine Turnpike"

S.P. 332 L.D. 978

SECOND READERS

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

House

Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles"

H.P. 105 L.D. 115

Bill "An Act Relating to the Cost-of-living Formula for Retirees under the Maine State Retirement System"

H.P. 749 L.D. 1012

Bill "An Act Relating to the Availability of Rebate Forms for Manufacturers' Rebates"

H.P. 1179 L.D. 1608

Bill "An Act to Amend the Postgraduate Residency Requirements for Certain Physicians" (Emergency)

H.P. 1180 L.D. 1609

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

House As Amended

Bill "An Act to Amend the Watercraft Excise Tax Law"

H.P. 221 L.D. 273

(C "A" H-129)

Bill "An Act to Amend the Truck Size and Weight Laws"

H.P. 654 L.D. 882

(C "A" H-139)

Bill "An Act to Permit the Annual Filing of Certain Fuel Use Reports"

H.P. 681 L.D. 922

(C "A" H-135)

Bill "An Act to Facilitate the Transfer of Information Between the Department of Human Services and the Bureau of Taxation"

H.P. 693 L.D. 934

(C "A" H-136)

Bill "An Act to Equalize Retirement Credits for Air and Army National Guardsmen"

H.P. 1177 L.D. 1606

(H "A" H-142)

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

Bill "An Act Concerning the Maine Railroad Excise Tax"

H.P. 531 L.D. 715
(C "A" H-140)

Which was READ A SECOND TIME.
On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS
AMENDED in NON-CONCURRENCE.

ENACTORS

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

An Act Concerning the Open Season on Bear

H.P. 189 L.D. 233

An Act to Provide for Removal and Sale of
Abandoned Motor Vehicles on Public Property

H.P. 712 L.D. 963

An Act to Prohibit Sale of Foods Processed with
Radiation

H.P. 1142 L.D. 1552

An Act to Require Insurers to Report Utilization
Review Data

H.P. 1143 L.D. 1553

An Act to Exempt Municipal Combination Snowplows
and Dump Trucks from the Weight Limitations Imposed
on Other Highway Vehicles

H.P. 1144 L.D. 1554

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

An Act to Change the Lime Laws

H.P. 925 L.D. 1237
(H "A" H-128)

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

Resolve

Resolve, to Establish a Study to Set Standards
for Driving when Under the Influence of Drugs Other
than Alcohol

H.P. 713 L.D. 964

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

Emergency

An Act to Amend and Supplement Certain Powers of
Hospital Administrative District No. 1

H.P. 399 L.D. 533
(H "A" H-122; C "A"
H-118)

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.

Emergency

An Act Amending the Laws Relating to Private
Security Guards

S.P. 513 L.D. 1555

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.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator KANY for the Committee on LEGAL AFFAIRS
on Bill "An Act Amending the Service of Process Laws"

S.P. 377 L.D. 1142

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-70).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-70) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Senator WEBSTER for the Committee on UTILITIES on
Bill "An Act Requiring Evaluation of New England
Electric Power Pool Membership"

S.P. 360 L.D. 1095

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-69).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-69) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator THERIAULT for the Committee on BANKING
AND INSURANCE on Bill "An Act to Clarify Eligibility
for the Group Accident and Sickness or Health
Insurance Program" (Emergency)

S.P. 500 L.D. 1517

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator BRANNIGAN for the Committee on JUDICIARY
on Bill "An Act to Modify the Statute of Limitations'
Provision of the Maine Criminal Code and Maine
Juvenile Code so they Clearly Cross-reference One
Another"

S.P. 425 L.D. 1305

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

Bill "An Act to Save Medicaid Funds by Expanding
the Ability of the Department of Human Services to
Recover Funds from Other Payors"

S.P. 538 L.D. 1627

Tabled - May 19, 1987, by Senator CLARK of
Cumberland.

Pending - REFERENCE

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(The Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers INDEFINITELY POSTPONED.
Sent down for concurrence.

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

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors"

H.P. 1175 L.D. 1601

Tabled - May 19, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In House, May 18, 1987, PASSED TO BE ENGROSSED.)

(In Senate, May 19, 1987, READ A SECOND TIME.)

Which was PASSED TO BE ENGROSSED, in concurrence.

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

Bill "An Act Permitting Private Mediation for Divorcing Couples"

H.P. 1114 L.D. 1508

Tabled - May 19, 1987, by Senator BRANNIGAN of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 13, 1987, PASSED TO BE ENGROSSED, in concurrence.)

(In House, May 19, 1987, the Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY in NON-CONCURRENCE.)

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

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Wednesday, May 20, 1987, at 9:00 in the morning.