

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
Wednesday
May 20, 1987

Senate called to Order by the President.

Prayer by Pastor David Tripler of the Calvary Bible Baptist Church in North Whitefield.

PASTOR TRIPLER: Almighty Father, men and women have gathered here under Your sovereign appointment to direct the affairs of this State. Though the position may have been voluntarily sought, You are the one who has placed each one into this great responsibility and we humbly acknowledge Your greatness and rulership over us. Father, You rule the great vastness of the universe with unerring precision, yet You put into the hands of man the affairs of this planet. The Psalmist, a King of Israel, realized the same thing when he wrote [What is man that You are mindful of him, the son of man that You care for him, yet You made him ruler over the works of your hands.]

I ask for these man and women who govern as servants of You, that Almighty God. I ask that You would daily grant them wisdom that they might govern clearly. I ask that You would give them courage that they might rule righteously, according to Your laws and commands. I ask that each one would have a personal relationship with You that they might live totally fulfilled in all that You have made us to be. May their oversight bring to Your name the honor and majesty that You deserve. I ask this because You have provided all that we need in Your son, the Lord Jesus Christ, the one who has provided true life to all who trust in Him. I ask this in the name of our great God and Saviour, the Lord Jesus Christ, Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE
STATE HOUSE STATION 11
AUGUSTA, MAINE 04333
April 30, 1987

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

In accordance with PL 1983 c. 464, the Maine Alcohol and Drug Abuse Planning Committee is required to submit to the Maine State Legislature an assessment of (1) the cost of drug abuse, (2) the need for various types of substance abuse prevention, education and treatment programs, (3) the geographical disparities in the availability of programs/services, and (4) the progress made in addressing these problems in Maine. The enclosed report is a comprehensive assessment of these issues and is submitted to the leadership of the Legislature in fulfillment of this mandate.

Although a number of well-defined needs continue to exist, Maine has made significant strides in addressing substance abuse problems. This could not have been accomplished without the long-standing

cooperation between the Executive and Legislative branches of Maine State Government.

If you wish additional information, please contact a Committee member or Al Anderson, Planning Director.

S/Donald Allen, Commissioner
Department of Corrections
S/Rollin Ives, Commissioner
Department of Human Services
S/Eve Bither, Commissioner
Department of Educational and Cultural Services
Department of S/Ronald Welch, Acting Commissioner
Mental Health and Mental Retardation

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

The Following Communication:
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

May 19, 1987

Senator Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

In 1985 the Legislature charged the Maine Geological Survey with conducting a three year study of the effects of agricultural chemicals on ground water quality in Maine, and submitting annual reports on this study to the State Legislature. The enclosed report presents our findings of the second year of this project. While we have found several different pesticides in ground water, particularly in potato growing areas, the pesticide concentrations have been extremely low. Based on our findings to date, pesticide use does not appear to be a widespread threat to ground water quality in Maine.

We will be happy to answer any questions you may have on this report.

Sincerely,
S/Walter A. Anderson
Director
State Geologist

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

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 19, 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 Joint Order (S.P. 504) relative to 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:

Representative MICHAUD of East Millinocket
Representative COLES of Harpswell
Representative DEXTER of Kingfield

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Relating to the Maine Milk Commission"

S.P. 540 L.D. 1632

Presented by Senator MATTHEWS of Kennebec
 Cosponsored by: Representative NUTTING of Leeds, Representative WEYMOUTH of West Gardiner, Senator DILLENBACK of Cumberland
 Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
 Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.
 Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Promote Public Safety in Maine Through the Greater Use of Seat Belts"

H.P. 716 L.D. 967

Bill "An Act to Require that Children Under the Custody of the Department of Human Services be Placed in Homes with Traditional Family Settings"

H.P. 846 L.D. 1137

Bill "An Act to Reinstate Capital Punishment in Certain Murder Cases"

H.P. 924 L.D. 1236

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 Realign the Tax Laws of the State as They Relate to Telecommunications"

H.P. 230 L.D. 298

Bill "An Act to Require that the State Bear the Cost of Fencing Orchards which are Damaged by Moose or Deer"

H.P. 326 L.D. 425

Bill "An Act Concerning the Use of Force in Property Offenses"

H.P. 615 L.D. 833

Bill "An Act to Eliminate Certain Current Exemptions in the Determination of Child Support Obligations"

H.P. 634 L.D. 857

Bill "An Act Concerning the Motor Vehicle Registration Requirements for Equipment Dealers"

H.P. 747 L.D. 1010

Bill "An Act to Require that Sentencing Reports be Made on All Persons Convicted of Sex Offenses"

H.P. 972 L.D. 1319

Resolve, Authorizing Richard W. Kane or his Legal Representative to Bring a Civil Action Against the State

H.P. 976 L.D. 1323

Bill "An Act to Amend the Law Prohibiting Scalping and Dragging in the Frenchboro Area"

H.P. 1025 L.D. 1383

Bill "An Act to Prevent Candidates for Office from Handling or Soliciting Absentee Ballots"

H.P. 1027 L.D. 1385

Bill "An Act to Lower Milk Prices by Regulating Maximum Retail Milk Pricing Margins"

H.P. 1168 L.D. 1594

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act Relating to Agricultural Internship and Training"

H.P. 446 L.D. 599

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-145).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-145) READ and ADOPTED, in concurrence.

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

Ought to Pass in New Draft

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Assistance to Victims of Natural Disasters" (Emergency)

H.P. 997 L.D. 1343

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

H.P. 1197 L.D. 1631

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Pertaining to the Placing of Bear Bait"

H.P. 607 L.D. 825

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

H.P. 1189 L.D. 1620

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Repeal the 2-inch Clam Law"

H.P. 622 L.D. 841

Reported that the same Ought Not to Pass.

Signed:

Senator:

ESTES of York

Representatives:

RICE of Stonington

SALSBURY of Bar Harbor

CROWLEY of Stockton Springs

COLES of Harpswell

LOOK of Jonesboro

KETOVER of Portland

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 Amend the 2-inch Clam Law"

H.P. 1191 L.D. 1622

Signed:

Senators:

MATTHEWS of Kennebec
CAHILL of Sagadahoc
Representatives:
MITCHELL of Freeport
HOLT of Bath
SCARPINO of St. George
RUHLIN of Brewer

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

Which Reports were READ.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. This Report, as a Bill in New Draft now and I will very briefly attempt to explain this new report. It is an act to amend the 2-inch clam law. We have listened to a lengthy debate with not much support for the original Bill, which would have repealed the 2-inch clam law. The New Draft of this Report, and I will go to the statement of fact, it is very specific. [This new draft increases the percentage of non-resident shell fish licenses required to be issued in the towns with shell fish management programs from 10% to 15%. It also specifies that non-resident licenses from municipalities with reciprocal shell fish management agreement shall allow harvesting in all the municipalities included within the agreement.] So we are raising the percentage of non-resident licenses from 10% to 15%, because we listened in the Committee to some concerns from people. From those who make their living and livelihood from digging clams, that there just wasn't enough opportunity for non-residents, so we decided that a better figure should be 15%.

The other issue was the towns entering into reciprocal agreements. After listening to the discussion in the Committee, from those that make their livelihood from digging clams. There was a concern that if a town enters into a reciprocal agreement coastal community with another town or towns, that a person should not have to go and get a different license. If there is an agreement among the towns, then a non-resident who has a license in one town should be able to dig in other towns that are in that reciprocal agreement. That is what this new draft will do. I think it is a fair Bill. Thank you.

Senator MATTHEWS of Kennebec moved the Senate ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I hope you vote against this Bill, because this law has only been in a short period of time. It is a conservation law and many of the towns that have taken part in this, spent their tax money to preserve the clam flats. It is going to sunset next year, anyhow, the Department is going to do a study on this to see what the values are. I don't think it is fair, when the town takes its time and effort, like Harpswell, to preserve their clam flats, to have a study, to have a warden, to allow people from outside to come in other than 10% and dig on their clam flats.

I don't think it is fair. If the other towns want to do the same thing, they have the right and opportunity to do it. I know it is unfortunate for people who do not live on the coast and cannot make their living digging clams, but this is a source we have to preserve.

I think the towns that are attempting to preserve it are doing a good job. Give them a chance and let

the Department come up next year and make a recommendation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec, to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator MATTHEWS of Kennebec, to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report, please rise in their places and remain standing until counted,

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

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator MATTHEWS of Kennebec, to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report, FAILED.

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

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Require that Loads of Gravel, Sand, Crushed Stone, Wood Chips, Building Debris or Rubbish be Secure to Prevent Spillage"

H.P. 799 L.D. 1073

Reported that the same Ought Not to Pass.

Signed:

Senators:

THERIAULT of Aroostook
CAHILL of Sagadahoc

Representatives:

MOHOLLAND of Princeton
STROUT of Corinth
SALSBURY of Bar Harbor
MCPHERSON of Eliot
MILLS of Bethel
CALLAHAN of Mechanic Falls

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

Signed:

Senator:

DOW of Kennebec

Representatives:

POULIOT of Lewiston
MACOMBER of South Portland
REEVES of Pittston
SOUCY of Kittery

Comes from the House the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

Senator DOW of Kennebec moved the Senate ACCEPT the Minority OUGHT TO PASS Report, in concurrence.

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

Senator THERIAULT: Thank you Mr. President, ladies and gentlemen of the Senate. One of my reasons for being opposed to this Bill is that the provisions in the Bill are extremely broad. They are left to the interpretation of all those individuals involved in the enforcement of the provision. What if a small pebble falls off the load? What if a big stone falls off? What if it is a few chips that fall off? Is this sufficient ground to bring anybody in for prosecution? Additionally, I think that it provides for an extreme burden on the truckers in trying to cover these loads. In some cases it is extremely difficult. In some cases it is probably impossible. In those cases where it is impossible, is there a provision in the law to exempt them?

There is not. It is this type of Bill that, I am not too sure, if it is a before the fact bill or an after the fact bill. Is the potential for something falling off enough for you to be summons to court, or does something actually have to fall off? Like I said, it is left to the interpretation and the judgments of law enforcement officers. Finally, there are some loads that are being covered, presently, by choice. Still there are items that might fall off. Consequently, it is not sure if this Bill would accomplish what we are trying to accomplish. I would urge you to vote against the motion and accept the Majority Report. Thank you.

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

Senator DOW: Thank you Mr. President and members of the Senate. This L. D. is a compromise, as you can see, it is a Divided Report and was a compromise by the Minority of the Committee. It adds the words - gravel, sand and crushed stone to the Bill. The law has been that the other things such as wood chips, building debris and rubbish have to be secured or covered and we have not had any problem such as the problem the Senator from Aroostook, Senator Theriault has just mentioned.

We're now adding to the law, gravel, sand and crushed stone. We had 2 Bills in the Transportation Committee to make it mandatory that all of the crushed stone, gravel and sand would have to be covered. As I say, this is a compromise. What we are trying to do and the intent of the law is that so people do not overload their vehicles so it allows spillage onto the highway. The intent of the law is that when they have a dump truck that is for example a 12 yard dump truck, that they have side boards on these types of vehicles that they don't fill the vehicles to the top and over flow the side boards, so the load would be secure and not dump out onto the street. I urge the passage of this Bill. It has been a problem and it is our intent to help the situation. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT TO PASS Report.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT TO PASS Report, please rise in their place and remain standing until counted.

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

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT TO PASS Report, FAILED.

THE PRESIDENT: Is it now the pleasure of the Senate to ACCEPT the Majority OUGHT NOT TO PASS Report.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, I would like to pose a question through the Chair, if I may. There was a lot of concern in my district about the windshields and pebbles, stones, gravel and whatever it was. A lot of the trucks that were going through the area on the Interstate were not covered. There was a tremendous amount of concern about this. What is the Committee going to do in regard if this Bill does not become a law? What are they going to do to prevent those incidents from happening?

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

The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, ladies and gentlemen of the Senate. In answer to the good Senator from Penobscot, Senator Baldacci's question. It is really not up to the Committee to determine what's to be done. If you get the license plate of the truck that breaks your windshield, that trucker is liable for damages. We did receive testimony in the Transportation Committee that most of the rocks and debris that falls off trucks and hits peoples' windshields, would not be corrected with a cover. Usually it is improper loading that causes the breakage.

Maybe the rock or pebble would be in the groves in the tires, or maybe it would be on the tail gate or something to that regard.

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

Senator DOW: Thank you Mr. President and members of the Senate. That is exactly the reason that we came up with this compromise Bill. It was to try to take care of this problem. There is no question that there is a problem. There is no question that there is spillage. Maybe the load has spilled onto the road then kicked up by the tires. The idea, of course, is to help with the problem that is out on the highway and I urge you to go against the Ought to Pass motion.

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

Senator USHER: Thank you Mr. President, men and women of the Senate. I was a cosponsor of one of the Bills that did not come out of the Committee. I realize that this is compromise bill and I am very concerned about this. I hope everybody looks at this Bill again. I have many constituents who own motorcycles and I am sure that you do also. One of the major complaints at this time of the year is following an irresponsible gravel hauler. I have to say it that way because I did when I presented the Bill. Growth development is happening in the State of Maine. It is happening in an uncontrolled manner. We just can't handle it. The gravel trucks are every where. They are overloading their trucks. I am very familiar with this procedure because this is what I do at work. They overload trucks and we are reprimanded anytime we do something wrong, so we have to be responsible when we load the trucks. Somebody always tries to get that extra bucket onto the truck because it saves money. We have them going through our communities with gravel flying everywhere. They spend up to \$12,000 on these motorcycles. It is not only motorcycles, it is cars too. The headlights are getting broken. DOT has verified the complaints that come in from all over the State. Somebody has to be responsible. If the construction firm is not going to be responsible, then I think we should take some action. The Bill that I cosponsored was to cover the loads. I realize that would be an extra cost and the Bill did not succeed through the Committee. This is a secure load. If it is a 6 yard truck, then it should carry 6 yards, not 8 yards. That is what they are putting on them, 7 and 8 yards on these 6 yard trucks. If it is a 12 yard truck, they are putting on 14 yards. I am not exaggerating. I have seen it.

I think we should be very concerned on this piece of legislation. I had a co-worker going home from work, after working the midnight shift. He had his window down with his arm out the window with his elbow resting where the window was down. Two trucks passed him on a major highway. A rock fell off the truck and bounced off the car, bounced onto his

elbow, it swelled his elbow up and he lost the next nights work. These are rocks that just fall right off the side of trucks. They are overloaded. It is irresponsible.

All they are caring about is the big bucks, saving an extra load. If they haul 4 or 5 loads per day overloaded, they are really saving money for the company. We have to be concerned about our people out there. We have made a big investment and they are our constituents, for safety of these people. The highways are really traveled today, especially in Southern Maine. Be really concerned about this Bill.

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

Senator KANY: Mr. President, I would like to pose a parliamentary inquiry. Could you please restate the pending motion?

THE PRESIDENT: The pending question of the Senate is to ACCEPT the Majority OUGHT NOT TO PASS Report.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President, men and women of the Senate. I actually wasn't sure. I also hope that you will vote against the pending motion. We, in the Legal Affairs Committee had a Bill before us in which a father was killed due to a large rock falling from a truck that was being used for construction. Although the DOT testified that if that particular load had been covered, it probably would not have kept this large rock from falling and ending up hitting the windshield and killing the driver, but certainly if you did have to cover the load, you would be much more careful and you would be more aware of the load. I certainly am strongly opposed to the pending motion and I hope you will change your minds and go with the good Senator from Kennebec, Senator Dow.

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

Senator BALDACCII: Thank you Mr. President and members of the Senate. I am going to request a Roll Call on this particular matter because I consider it one of the more important pieces of legislation as far as the concerns of people in my district. The concerns that they have raised to me about the problem they were having driving on the Interstate and having these things happen to them. Sure, get a license number and track down the truck, go through the insurance company and all those other responsibilities. As you have heard here today, it is just passing the buck. You want to make an extra buck at one end that costs the consumers two or three bucks to get those windows repaired and the damages corrected. I am not just saying that it is just that area. There is state involvement. There is no question about it. I do think from the constant comments from people who have talked to me about this, they were very concerned that at least they would be covered. That seems to be a lot of the problem, especially in light of the fact you may be raising the speed limit on the Interstate. They may be more concern to people. It could create in a fraction of a second, an accident at a higher rate of speed.

I don't know but I think at least we can do is just make sure they are secured. As I said before, Mr. President. I would request a Roll Call on this motion. Thank you.

Senator BALDACCII of Penobscot requested a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote

of at least one-fifth of the Members present and voting.

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

Obviously, more than one-fifth having risen, a Roll Call is ordered.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. It is very interesting that people are talking about covering a load and I don't believe that this Bill does that. They are also talking about people overloading. If you are going to overload a vehicle, who is going to enforce it? The State Police. You're talking about who is going to enforce it if the load is properly loaded. That is another problem. You're passing a Bill here that doesn't do anything. So, I guess it really doesn't make very much difference what you do.

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

Senator USHER: Thank you Mr. President and members of the Senate. I have to disagree with the good Senator from Cumberland, Senator Dillenback. This is not a cost to the contractor. As far as enforcement, there are so many laws that go through this legislature that we cannot truly enforce but we do send out a message and people enforce a lot of the laws that we do pass. I am only asking that the contractors have a little responsibility and I think they should have responsibility on their part as far as dressing up their load properly. To protect our people for the safety factor involved. It is a very serious issue.

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

Senator BUSTIN: Thank you Mr. President, men and women of the Senate. Just a couple of comments on this, because I very much support the Senator from Kennebec, Senator Dow's position. One is the liability issue of when those items come off the truck and cause damage. It is my understanding that if it comes off the load, it is an act of God and is not reimbursable even if you get that license plate number and could determine that it did come off that load.

It still is considered an act of God and it would not be covered under your insurance. Just a point of inquiry. Does any member of the Committee know whether or not our littering laws apply to those things that come off the loads?

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

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President, men and women of the Senate. I will try to answer part of the question. Actually the insurance covers the loss of windshields if they can prove a rock came off the load, not off the road. If it came off the load and hit the vehicle and there is some proof, the insurance company will pay it voluntarily and there is coverage. We did not look at the littering laws. We did look at some of the laws that they have in New Hampshire. We also looked at some of the costs that it takes to require the contractors and state, for that matter, cover their sand and gravel loads with a cover. The cost of the cover is very, very expensive. We did not want to go that far with the Bill. New Hampshire has a law that says that if you are not covered, and they have a similar section in their law, it seems to be working pretty well down

there, if you are not covered, you cannot drive over 35 miles per hour. We have not any problems with the wood chips and the trash. That has been covered in this law right along. I haven't heard anybody saying it has not been enforced or it has been a problem as far as enforcement or a problem on the road. It is the sand and gravel and is primarily because it is overloaded. Everybody at the Department was interested in having this passed and the State Police having it so they could enforce the laws as they are.

Off Record Remarks

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

Senator WHITMORE: Thank you Mr. President, ladies and gentlemen of the Senate. I agree with the good Senator from Cumberland, Senator Dillenback when he speaks of the responsibility of the enforcement officials. Apparently there are ample laws on the books, that if pursued, they could make it stick. I personally had an experience some time ago. We're talking about covering loads. It isn't always a covered or uncovered load or even an over filled truck. Sometimes it is the failure to hook the tail gate. There is a hooking mechanism that is on there that hooks around the bar. If there is a rock caught in there, sometimes you can fill the truck below and it will stay on board and after they hit a couple of bumps, it will open up and spill the load. Even that, currently is enforceable.

In my particular case, it happened right in front of me. There was a fair amount of damage that was done to my vehicle. I stopped the truck, summoned the police. The operator of the truck was summoned to court and ultimately paid a fine for an insecure load. So, there is ample enforcement or should be ample enforcement and laws on the books. I heartily agree with the Senator from Cumberland, Senator Dillenback, that this law is unnecessary.

THE PRESIDENT: The pending question before the Senate is to ACCEPT the Majority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BLACK, CAHILL, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, WEBSTER

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion to ACCEPT the Majority OUGHT NOT TO PASS Report, FAILED.

Both Committee Reports having been REJECTED, the Chair laid before the Senate the original Bill.

The Original Bill READ ONCE.

The Original Bill, LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought to Pass in New Draft
Senator BERUBE for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers"

S.P. 293 L.D. 843

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

S.P. 522 L.D. 1637

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE COMMITTEE REPORT.

Senator BALDACCI for the Committee on BUSINESS LEGISLATION on Bill "An Act to Limit the Administrative Charge on Sales of New Motor Vehicles to the Actual Administrative Cost"

S.P. 272 L.D. 782

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

S.P. 541 L.D. 1636

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act Relating to Qualifications for a Hotel Liquor License"

S.P. 277 L.D. 787

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

S.P. 543 L.D. 1645

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month"

S.P. 347 L.D. 1039

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

S.P. 542 L.D. 1639

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

SECOND READERS

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

House
Bill "An Act to Continue the Pine Tree Partnership Fund Program"

H.P. 207 L.D. 259

Bill "An Act to Require Safety Engineering and Loss Control in Workers' Compensation Insurance Rate-Making Proceedings"

H.P. 1011 L.D. 1364

Bill "An Act to Repeal Loyalty Oaths for Civil Emergency Preparedness Personnel"

H.P. 1092 L.D. 1483

Bill "An Act to Clarify Existing Law Regarding the Loss of Military Property"

H.P. 1094 L.D. 1485

Bill "An Act to Repeal the Removal of Ice Jams Provisions from the State Civil Emergency Preparedness Law"

H.P. 1095 L.D. 1486

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

House As Amended

Bill "An Act to Assure Responsibility in Regulatory Decision Making"

H.P. 59 L.D. 62
(C "A" H-141)

Bill "An Act to Require Archery Hunter Training"

H.P. 914 L.D. 1226
(C "A" H-144)

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

Senate

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

Bill "An Act to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program" (Emergency)

S.P. 500 L.D. 1517

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Requiring Evaluation of New England Electric Power Pool Membership"

S.P. 360 L.D. 1095
(C "A" S-69)

Bill "An Act Amending the Service of Process Laws"

S.P. 377 L.D. 1142
(C "A" S-70)

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

Sent down for concurrence.

ENACTORS

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

Emergency Resolve

Resolve, to Authorize the Commissioner of Mental Health and Mental Retardation to Continue to Employ Charles E. Meredith, M.D., as Superintendent of the Bangor Mental Health Institute

S.P. 510 L.D. 1534

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 FINALLY PASSED 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:

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Correct an Incorrect Personnel Description in the Law Relating to the Board of Pesticides Control" (Emergency)

H.P. 1200 L.D. 1635

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

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

Bill "An Act to Amend Maine's Abandoned Property Laws"

H.P. 1198 L.D. 1633

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

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

Bill "An Act to Amend the Duties of the Commissioner of Labor"

H.P. 1199 L.D. 1634

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

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

ORDERS OF THE DAY

THE PRESIDENT: In reference to the action of the Senate on May 19, 1987, whereby it INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE on Joint Order (S.P. 504) relative to 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).

The Chair appointed as conferees on the part of the Senate:

Senator USHER of Cumberland
Senator CLARK of Cumberland
Senator BLACK of Cumberland

On motion by Senator DUTREMBLE of York, the Senate removed from the Unassigned Table the following:

Bill "An Act to Exempt Prisoners from the Provisions of the Workers' Compensation Act"

H.P. 542 L.D. 726
(H "A" H-15)

Tabled - March 24, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In House, March 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-15).)

(In Senate, March 17, 1987, READ A SECOND TIME.)

On motion by Senator DUTREMBLE of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-15).

On further motion by same Senator, House Amendment "A" (H-15) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-71) 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

On motion by Senator USHER of Cumberland,
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

Bill "An Act to Revise the Maine Medical
Laboratory Act"

S.P. 191 L.D. 518
(C "A" S-61)

In Senate, May 13, 1987, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-61).

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-61) AS AMENDED
BY HOUSE AMENDMENT "A" (H-155), thereto in
NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the
Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to the Disposition of
Surplus Real Estate"

H.P. 1152 L.D. 1567

In Senate, May 18, 1987, PASSED TO BE ENGROSSED,
in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-152) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Joint Orders

The following Joint Order: H.P. 1207

ORDERED, the Senate concurring, that House Paper
412, Legislative Document 546, Bill "AN ACT to Amend
the Charter of the Lubec Port Authority" be recalled
from the legislative files to the House of
Representatives.

Comes from the House READ and PASSED.

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled
Unassigned, pending PASSAGE.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 20, 1987

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

Dear Madam Secretary:

The House voted today to adhere to its former
action whereby the Majority "Ought Not to Pass"
Report of the Committee on Transportation was read
and accepted on Bill "An Act to Amend the Law
Regarding the Violation of Imprudent Speed" (S.P.
362) (L.D. 1097).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ.

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

Senator PEARSON: Thank you Mr. President, men
and women of the Senate. I sponsored the Bill that
is the subject of this communication and I shall be
brief, but I want to be clear. I sponsored the Bill
to do away with the violation of imprudent speed
under Maine law. This Body was kind enough to go
along with that, the other was not. I want to tell
you, and any of those people who may listen in the
future by reading this record, why I did it and what
is happening, in my opinion. Imprudent speed is a
violation of the law right now for driving
imprudently, depending on whatever it is the police
officer wants to charge you for. For example, if you
were doing 25 miles per hour in a 35 mile per hour
zone, you could be picked up for imprudent speed.
If, in the estimation of the police officer, "the
conditions didn't warrant it". Like for instance,
there are too many people on the road, there were
leaves on the road, the road was wet, the road was
snowy, irrespective of any other thing.

I believe that there is a law, on the books now,
operating to endanger that takes care of anything
that is necessary. Imprudent speed is used primarily
by local police, in my opinion and in my experience,
to harass young kids. Almost anybody who gets picked
up for imprudent speed, who hired any kind of a
lawyer that was decent, could go to court and defeat
that charge. Most of the people who don't defeat
that charge, are young kids who go to court, are
scared, they don't have enough money to hire a
lawyer, and they are found guilty. A point goes off
their license and their insurance rate, if they are
male, goes sky high.

I think that it is used by policemen, in local
communities and in my experience as a school teacher,
to finally get the kid that has been bugging them all
this time and they could never think of anything else
to get him on. The one that races in and out of
McDonalds or the bowling alley, or whatever it is.
That is a serious thing to say, and I realize that
and I don't think I am considered a radical, but I
have seen it abused too many times and I know it goes
on.

This Bill went to Transportation, but I wish that
the Committee on Judiciary or Legal Affairs, whoever
has jurisdiction on those kinds of things, would find
it in their wisdom to include this imprudent speed in
their law that says that this will not be used
against them for insurance purposes. Because what
happens is the kid gets a double whammy. First, he
loses points on his license and then his insurance
rates go sky high. I know it happens, I've seen it
happen, people getting picked up for this offense.
It can be anything a police officer wants it to be.
I am not referring, hopefully and I believe in the
case of the State Police, they have better things to
do.

I wish this had passed, but at least I have had
an opportunity to make a statement. Maybe we can
tell other people that we are watching to make sure
that just because you are under the age of twenty, it
doesn't mean you are not a full fledged citizen of
this state.

Which was ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 20, 1987

Honorable Joy J. O'Brien
Secretary of the Senate

113th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to Insist and Join in a Committee of Conference on Bill "An Act Concerning Proof of Insurance on School Buses" (H.P. 863) (L.D. 1164).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

THE PRESIDENT: In reference to the action of the Senate on May 20, 1987, whereby it INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE on Bill "An Act Concerning Proof of Insurance on School Buses" (H.P. 863) (L.D. 1164)

The Chair appointed as conferees on the part of the Senate:

Senator DOW of Kennebec
Senator THERIAULT of Aroostook
Senator CAHILL of Sagadahoc

Senate at Ease

Senate called to order by the President.

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

SECOND READERS

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

House

Bill "An Act to Provide Assistance to Victims of Natural Disasters" (Emergency)

H.P. 1197 L.D. 1631

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act Relating to Assignment of Group Health Insurance Benefits"

H.P. 1119 L.D. 1522

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 Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance"

H.P. 1120 L.D. 1523

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 JUDICIARY on Bill "An Act to Update References to Immunities of State Military Forces under the State Tort Claims Act"

H.P. 1097 L.D. 1488

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 TRANSPORTATION on Bill "An Act to Require the Use of Seat Belts in Driver Education Programs"

H.P. 657 L.D. 890

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 TRANSPORTATION on Bill "An Act Concerning Interstate or Intrastate Operating Permits"

H.P. 806 L.D. 1080

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Create a Statewide Reservation System for State Parks that have Overnight Camping Facilities"

H.P. 915 L.D. 1227

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-146).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-146) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Law to Allow Security Officers to be on Duty for Dances at Which Minors are Admitted"

H.P. 257 L.D. 340

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-148).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-148) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Require that Candidates' Petitions be Sworn"

H.P. 517 L.D. 690

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-150).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-150) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Limit the Penalty a Landlord can Charge a Tenant for Late Payment of Rent"

H.P. 626 L.D. 849

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-149).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-149) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service"

H.P. 792 L.D. 1064

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-147).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-147) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on EDUCATION, pursuant to Public Law 1983, chapter 845, section 5, and Public Law 1987, chapter 84, Reports on Bill "An Act to Improve the Teacher and Administrator Certification Law"

H.P. 1195 L.D. 1629

Reported that the same Ought to Pass.

Signed:

Senators:

ESTES of York
KANY of Kennebec

Representatives:

MATTHEWS of Caribou
GOULD of Greenville
PARADIS of Frenchville
BOST of Orono

O'GARA of Westbrook
HANDY of Lewiston
KILKELLY of Wiscasset
NORTON of Winthrop

The Minority of the same Committee on Bill "An Act to Enhance the Certification of Educational Personnel Law"

H.P. 1196 L.D. 1630

Reported that the same Ought to Pass.

Signed:

Senator:

RANDALL of Washington

Representatives:

SMALL of Bath

LAWRENCE of Parsonsfield

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

Senator ESTES of York moved to ACCEPT the Majority OUGHT TO PASS Report. Subsequently, the same Senator requested a Roll Call.

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

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

Obviously, more than one-fifth having risen, a Roll Call is ordered.

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

Senator RANDALL: Thank you Mr. President, men and women of the Senate. We have before us, this afternoon, a Report which was consumed considerably time and attention before the Committee on Education in this Legislative Session. This afternoon, it is my opinion, that we are in the midst of a process that I would urge you, in this Body, to support the Minority Report of the Committee Bill due to the following reasons:

Ladies and gentlemen of the Senate, after considerably time of looking at this particular legislation, one can only conclude that local school boards, school committees and teachers, throughout the state, have not had the time or opportunity, to be exposed to the ideas that are involved in the piloting process. What our Committee has had before it is the indications from a number of pilot projects. Those pilot projects were implemented in 1985 and 1986, some of them have only looked at the first new levels of the certification process, which was proposed; the provisional level and the professional level. The Minority Report would suggest that we retain professional level 2, which is a name change from master teacher to professional level 2, and that this proposal would allow that this issue be studied for one more year. I suggest that this is a more appropriate method of dealing with the Bill before us today. I would urge you to reject the motion now before us. Thank you.

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

Senator KANY: Thank you Mr. President and members of the Senate. Briefly, I would like to mention why I chose to go the way I did. It is basically that I found from hearing from many, including those who have been involved in the pilot projects, that really the master teacher level seems really to be quite subjective, as to what it should be and should mean. It just seems to me to be much more appropriate to have teachers focusing their

attention on teaching and having their energies go there, instead of into trying to determine what the appropriate definitions are and further a division.

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

Senator ESTES: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to present to you some prepared remarks and some comments on the review of teacher and administrator certification law by the Joint Standing Committee on Education, as well as the Majority Report recommendation. I will ask that you please bear with me. I think that it is important to understand just why we are at this particular stage of the process. I think it is also important for you to understand that the question of the third tier is only a small part of the certification law.

As far as background, elementary and secondary educational reform has recently and is currently at the forefront of the public agenda, in Maine and in other states. Research highlights the critical role that both good teachers and good administrators play in implementing various reform efforts. Both of these professions have the potential to play a positive and significant role in the improvement of student performance, which is the standard by which any reform efforts must ultimately be measured.

Recognizing the critical role which school teachers and school administrators must play in the success of recently enacted and currently considered educational reform measures, the Maine Legislature enacted Public Law 1984, chapter 845, AN ACT Governing Certification of Educational Personnel, and in doing so, establishing new statewide certification requirements for teachers. Public Law 1985, chapter 287, AN ACT to Provide for State Certification of School Administrators, did likewise for superintendents, principals and vocational directors.

Basically, both laws prescribed strong educational and experience requirements designed to assure initial competency among those being certified or licensed. Those initial certification requirements were followed up by requirements for demonstrated professional growth and development in order to attain renewal of a certificate.

The certification laws enacted by the 111th Legislature in 1984, and the 112th Legislature in 1985 are scheduled to go into effect statewide in 1988. Between enactment and implementation, provision was made in the laws for testing the concepts embodied in those laws on a limited basis, through piloting, and studying the results of the tests and reporting any recommended changes to this Session of the 113th Legislature.

Specifically, 13 funded and 7 unfunded pilot projects have been conducted since 1984 to test various aspects of the new teacher certification law. In addition, three pilot projects have been set up to test the administrator certification law, two which will be completed in June, one will finish in December. The State Board of Education issued an interim report on the pilot projects as required by law, to the Joint Standing Committee on Education in January, 1986 and a final report in March of this year. Since that time, it is also required by law, the Education Committee has conducted its own independent review of the entire certification law and the pilot projects completed to date. The Bill before you today represents the results of that review and constitutes our recommendations to this Legislature for implementation of the new certification law.

Before describing the Bill in some detail, I would like to say a few words about our committee's

process for its review and generally about this Bill which is the result of that review. As you all know, I am sure, the certification laws are a fairly complex set of statutes containing a number of important provisions. Likewise, the State Board's recommendations, which served as the starting point for the committee's review contained statements on numerous specific points in the certification law. As a committee, we were able to reach unanimous agreement on all elements of the certification law except one. Furthermore, that one element, whether to require 2 or 3 levels of teacher certification, is not, in my opinion, a major or critical part of the law. The really important and innovative parts of the new law are the tough initial certification requirements and the competency based recertification requirements calling for completion of action plans developed through a system of support teams designed to assure professional growth by our educators. The Majority of the Committee is in agreement on these critical issues.

I will now describe the Bill's contents specifically. As to administrator certification, the law now provides for pilot projects to be completed by July 1, 1987 and for the new administrator certification requirements to be implemented on July 1, 1988. For a variety of reasons, all the pilot projects for administrator certification will not be completed until the end of this year. The interval between January 1988 and July 1988, may not give the State Board enough time to analyze the pilots and adopt final rules for implementation of the administrator certification law. Additionally, even if the rules are adopted before July 1, individuals seeking initial and renewed certification under those rules would very likely have insufficient time to comply with those new rules. For both these reasons, the committee unanimously recommends that the administrator certification pilot projects be allowed to complete their full cycle and that the implementation date for administrator certification law and rules be delayed for one year until July 1, 1989. The provisions of the Bill related to this recommendation are in section 1 and section 8.

We are also recommending that a series of progress reports be established in law so that the Education Committee is continuously aware of the State Board's in its conduct and review of the administrator pilot projects and the development of its final rules. The dates for those reports are: September 1 and December 1, 1987 and March 1, June 1 and December 1, 1988. This provision is found in section 11 of the Bill. The Committee unanimously supports this recommendation and the State Board is in agreement.

As to teacher certification, as mentioned earlier, the law currently calls for at least 3 levels of teacher certification, provisional, professional and master. Like the administrator certification law, the teacher certification provisions are scheduled to go into effect on July 1, 1988. After that date, under existing law new certificates would be issued and current certificates would be renewed under the requirements of the new law and associated rules. Teachers holding current certificates would continue to teach under those certificates until their normal expiration date.

With respect to the first 2 levels of teacher certification, provisional and professional, the committee unanimously felt that the results of the pilot projects supported their value and recommends their implementation. New certificates should be issued under the new certification requirements beginning July 1, 1988. However, because the

recertification rules for professional teachers are not finalized yet, we recommend that teachers whose current certificate expires before July 1, 1989 be allowed to renew their certificate under the existing requirements. This will allow individual teachers and school units adequate time to adjust their behavior to satisfy any new requirements which are adopted by the state board through rules. After July 1, 1989, we recommend all teacher certificates including renewals should be issued in accordance with the new law.

With respect to the third level of certification, a majority of the committee felt it should be eliminated for either or both of the following reasons: First, the results of the pilot projects which worked on the master teacher concept are sufficiently clear to members of the committee to say that the idea is not workable. The selection process is problematic because the development of truly objective criteria is impossible. Furthermore, the use of master teachers within the school has a negative impact on the quality of education offered by that school because the master teacher is frequently out of his or her classroom performing quasi administrative tasks. And, finally, it would be a costly program to implement. In summary, the first objection to the concept of master teacher is that it is divisive, introduces an element of competition between teachers where studies and national reports say we need an air of collegiality and sharing of ideas, would detract from the quality of education offered in our public schools, and it would be very costly.

The second objection to the master teacher idea is that it is inconsistent with the intent of a state level licensing law. Statewide certification is designed to provide sound educational instruction to our school children. Master teacher is, in reality, a form of differentiated staffing and compensation within individual school systems. As such, it is a local function and should be dealt with by individual school units as their needs and resources dictate. The majority of the committee recommends that master teacher be deleted from the state certification law and left to local units to implement. We do, however, support the concept in the local context and would be prepared to support a program which would encourage local staff development programs based on locally developed criteria, needs and ability to pay. Thank you.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I speak today, not as a member of leadership here in the Senate, but as the Senator from Franklin and Somerset County. I just have a question I would like to ask that a member of the Body, perhaps the Chairman of the Committee, or someone on the Education Committee could answer. I am wondering, is there another Bill before this Legislature, assuming we were to eliminate the master teacher concept. Is there another Bill before this Legislature to implement an alternate proposal, such as merit pay.

It would seem to me that if we aren't going to have a master teacher concept, someone could move who wanted to better themselves and perhaps spend more time and earn more money. If we aren't going to have that system, do we have a merit system? Is there a Bill before this Legislature to implement such a system or some alternative?

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

The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President, specifically there is not a Bill before the Education Committee that would deal with merit pay. There has been discussion and there is an opportunity to continue deliberation on the proposal of staff development programs. I believe that will be brought up within the next few days to a week.

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

Senator PEARSON: Thank you Mr. President and members of the Senate. I would like to respond to the Senator from Franklin in the following way. I should hope not! I should hope not that there is a Bill before the Senate to deal with merit pay for teachers.

The very Senator who talks about local control and I stand before you as a person who has taught school for eighteen years. Just barely making \$20,000 now, when my nephew got out of college and made that as a computer programmer the first year he was out. You are talking about merit pay!

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTES of York, to ACCEPT the Majority OUGHT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

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.

Senator TWITCHELL of Oxford who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator KERRY of York who would have voted YEA.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, MATTHEWS, MAYBURY, PEARSON, THERIAULT, TUTTLE, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BLACK, CAHILL, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, PERKINS, RANDALL, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators BRANNIGAN, BRAWN

PAIRED: Senators KERRY, TWITCHELL

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 2 Senators being absent, the motion by Senator ESTES of York, to ACCEPT the Majority OUGHT TO PASS Report, PREVAILED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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 Relating to Notices of Controversy under the Workers' Compensation Act"

S.P. 253 L.D. 704

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:

Resolve, to Establish a Commission to Study United States Route 1

S.P. 245 L.D. 694
Resolve, Creating the Portsmouth Naval Shipyard
Economic Policy Commission

S.P. 363 L.D. 1098

Ought to Pass

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State" (Emergency)

S.P. 422 L.D. 1302

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 Simplify Fees for Certified Copies of Divorce Reports"

S.P. 464 L.D. 1421

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 CAHILL for the Committee on TRANSPORTATION on Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 482 L.D. 1459

Reported that the same Ought to Pass.
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Coordinate the Review Process of the Department of Environmental Protection and Maine Land Use Regulation Commission"

S.P. 339 L.D. 994

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-72).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-72) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives

S.P. 82 L.D. 168

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-74).

Signed:

Senators:

- TUTTLE of York
- BALDACCI of Penobscot
- GOULD of Waldo

Representatives:

- BICKFORD of Jay
- WENTWORTH of Wells
- BOUTILIER of Lewiston
- CARROLL of Gray
- STROUT of Windham
- ROTONDI of Athens

LOOK of Jonesboro
HUSSEY of Milo

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

Signed:

Representatives:

- LACROIX of Oakland
- ANTHONY of South Portland

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-73) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years

S.P. 87 L.D. 173

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-73).

Signed:

Senators:

- TUTTLE of York
- BALDACCI of Penobscot
- GOULD of Waldo

Representatives:

- BICKFORD of Jay
- BOUTILIER of Lewiston
- CARROLL of Gray
- ROTONDI of Athens
- WENTWORTH of Wells
- LOOK of Jonesboro
- HUSSEY of Milo
- STROUT of Windham

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

Signed:

Representatives:

- LACROIX of Oakland
- ANTHONY of South Portland

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-73) READ and ADOPTED.
Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act Pertaining to the Placing of Bear Bait"

H.P. 1189 L.D. 1620

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

Bill "An Act to Require that Loads of Gravel, Sand, Crushed Stone, Wood Chips, Building Debris or Rubbish be Secure to Prevent Spillage"

H.P. 799 L.D. 1073

Which was READ A SECOND TIME.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, men and women of the Senate. Just very briefly, because I think this Bill was well debated earlier today. It is the Bill on the covered loads. Just for the Record, I would like to read to you what this Bill does. It says, no person may operate or cause to be operated upon any public way a vehicle with a load of gravel, sand, crushed stone, rubbish, wood chips, building debris or trash, unless the load is covered or otherwise secured or confined to prevent any portion of a load from falling or spilling out of the vehicle. That is all this Bill does, it does not require for the load to be covered. According to some insurance companies, windshield statistics, Maine has about an average number of windshield breakage problems and most of those problems happen during the winter time. There is no difference in windshield insurance rates in Maine, then in New Hampshire and they already require a load to be covered. Ninety percentage of motorists claim, in the winter time, that rocks fly up from the road. It is probably the sand and gravel put on the road, by the Department of Transportation or local towns. Only 2 1/2% claim that the rock actually came from the body of a truck.

Senator CAHILL of Sagadahoc requested a Division.

Off Record Remarks

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

Senator THERIAULT: Thank you Mr. President and members of the Senate. Before this Bill is allowed to go on, there are a few things that I feel I need to bring to your attention. First of all, you realize that in order to make sure and comply with the requirements of this law, that many of our truckers will be covering loads with canvas, by the way it may not be a bad time to invest in a canvas company. What is going to be involved here, that companies will have to build these high stands so that the drivers of these vehicles can properly climb up there so that they can secure this load, which would create a real hazard for these drivers, which could result in more injuries than we have today.

The thing that also concerns me a lot is the fact that the vehicle owned by the Department of Transportation of this state, in addition to the vehicles owned by our municipalities, will have to comply with this requirement. I am not too sure how much it is going to cost to equip all of these trucks with this required equipment.

I would suspect that it is probably not going to be anything less than five hundred dollars or so. If you multiply this by the number of trucks that the DOT owns, plus the number of trucks that our municipalities own, I think this is going to amount to a substantial amount of money. Consequently, Mr. President, should this Bill have a fiscal note?

On motion by Senator CLARK of Cumberland, Tabled, pending RULING OF THE CHAIR. (Division requested)

House As Amended

Bill "An Act Relating to Agricultural Internship and Training"

H.P. 446 L.D. 599
(H "A" H-145)

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

Senate

Bill "An Act to Limit the Administrative Charge on Sales of New Motor Vehicles to the Actual Administrative Cost"

S.P. 541 L.D. 1636

Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month"

S.P. 542 L.D. 1639

(See Action Later Today)

Bill "An Act Relating to Qualifications for a Hotel Liquor License"

S.P. 543 L.D. 1645

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

Sent down for concurrence.

ENACTORS

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

An Act Pertaining to a Training Season for Bear Dogs

H.P. 299 L.D. 385
(C "A" H-123)

An Act to Authorize the Creation of the Position and the Salary Range of an Executive Director of the Board of Registration in Medicine

H.P. 1150 L.D. 1565

An Act to Permit a Reconsideration of Parental Rights and Responsibilities Upon the Relocation of Children of Divorced or Separated Parents from this State to Another State

H.P. 1151 L.D. 1566

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

Resolve

Resolve, to Publicize the State Police Toll-free Number for Emergencies to Outdoor Recreationists

H.P. 785 L.D. 1057

Resolve, Changing the Name of Jewett Hall at the Maine Criminal Justice Academy in Waterville to Nichols Hall

H.P. 835 L.D. 1126

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

Emergency

An Act to Further Protect Bald Eagles and Other Endangered Species

H.P. 506 L.D. 679
(C "A" H-124)

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 CLARK of Cumberland the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED: Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month"

S.P. 542 L.D. 1639

(In Senate, May 20, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Providing Additional Higher Education Opportunities for Maine Students"

S.P. 143 L.D. 397

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-76).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-76) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons"

S.P. 436 L.D. 1316

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-75).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-75) 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:

ENACTORS

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

Emergency

An Act to Provide Assistance to Victims of Natural Disasters

H.P. 1197 L.D. 1631

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.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers"

S.P. 293 L.D. 843

Report - Ought to Pass in New Draft under same Title

S.P. 522 L.D. 1637

Tabled - May 20, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, May 20, 1987, Report READ.)

The OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

Under suspension of the Rules, the Bill IN NEW DRAFT READ TWICE.

On motion by Senator BERUBE of Androscoggin, Senate Amendment "A" (S-77) READ.

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

Senator BERUBE: Thank you Mr. President, this amendment simply adds a starting date of October 1, 1987, to a Bill that came out unanimously from the Aging, Retirement and Veterans Committee, which would allow the state to pay for 10% of the health insurance of the retired teachers. This merely places a starting date. Thank you.

On motion by Senator BERUBE of Androscoggin, Senate Amendment "A" (S-77) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Bill "An Act Concerning the Maine Railroad Excise Tax"

H.P. 531 L.D. 715

(C "A" H-140)

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

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In House, May 18, 1987, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

On motion by Senator TWITCHELL of Oxford, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

Bill "An Act Permitting Private Mediation for Divorcing Couples"

H.P. 1114 L.D. 1508

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

Pending - FURTHER CONSIDERATION

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

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

The Senate RECEDED and CONCURRED.

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Thursday, May 21, 1987, at 9:00 in the morning.