

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

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

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

In Senate Chamber
Thursday
May 21, 1987

The Chair laid before the House the following matter: "An Act Creating the St. Croix International Waterway Commission (H.P. 733) (L.D. 985) (C. "A" H-131) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Senate called to Order by the President.

On motion of Representative Michaud of East Millinocket, retabled pending passage to be enacted and specially assigned for Friday, May 22, 1987.

Prayer by Reverend Andrew D. Kane of the United Baptist Church in Oakland.

REVEREND KANE: May we pray together. We thank you, Lord for the gift of such a beautiful day. We thank you, Lord for giving us the responsibilities that we share. We ask, Lord that as we share this day with You and with one another, we may share Your wisdom and we may share Your vision. We come together as children of trust. A trust that You have in us and the trust that we have in You. In the name of Christ. Amen.

The Chair laid before the House the following matter: RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (C. "A" S-65) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and specially assigned for Friday, May 22, 1987.

Reading of the Journal of Yesterday.

(Off Record Remarks)

COMMUNICATIONS

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

On motion of Representative Swazey of Bucksport, Adjourned until Friday, May 22, 1987, at twelve o'clock noon.

May 20, 1987
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333
Dear Madam Secretary:
Pursuant to my authority under Chapter 17 of the Resolves of 1987, I have appointed Senator Edgar Erwin and Senator Charles Dow to the Commission to Review the Laws Relating to Registered Maine Guides. Please let me know if you have any questions about this.
Sincerely,
S/Charles P. Pray
President of the Senate
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 20, 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 Legal Affairs has had under consideration the nomination of Wallace G. Soule, Jr. of Freeport, for appointment as the Director of the Lottery 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 3
Representatives 10
NAYS: 0
ABSENT: 0
Thirteen 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 Wallace G. Soule, Jr. of Freeport, for appointment as the Director of the Lottery Commission be confirmed.

Sincerely,
S/Judy C. Kany
Senate Chair
S/Charles R. Priest
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Wallace G. Soule, Jr. of Freeport for appointment as the Director of the Lottery Commission be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LEGAL AFFAIRS 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, BERUBE, BLACK, BRANNIGAN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GILL, GOULD, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators BALDACCI, BRAWN, EMERSON, KANY, KERRY, MAYBURY

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 6 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 Wallace G. Soule, Jr. for appointment as the Director of the Lottery Commission was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 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 Concerning Proof of Insurance on School Buses" (H.P. 863) (L.D. 1164):

Representative CLARK of Millinocket
Representative MOHOLLAND of Princeton
Representative STROUT of Corinth

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

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Abolish and to Reorganize Certain Portions of the Department of the Secretary of State" S.P. 544 L.D. 1646

Presented by President PRAY of Penobscot
Cosponsored by: Senator BERUBE of Androscoggin, Speaker MARTIN of Eagle Lake, Representative FOSS of Yarmouth

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Strengthen the Site Location of Development Law in the Shoreland Zone" S.P. 545 L.D. 1647

Presented by Senator LUDWIG of Aroostook
Cosponsored by: Senator BRANNIGAN of Cumberland, Representative MURPHY of Kennebunk, Representative MICHAUD of East Millinocket

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES 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 Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Exclude from Sales and Use Tax Transfers of Vehicles from Corporations to the Owner of the Stock of the Corporation" H.P. 782 L.D. 1054

Bill "An Act to Ensure Rail Safety When Operating a Freight Train without a Caboose" H.P. 842 L.D. 1133

Resolve, to Study Heating Oil, Gasoline and Propane Gas Pricing Factors in the State H.P. 889 L.D. 1190

Bill "An Act to Clarify the Responsibilities of State and Federal Laws Regarding the Chemical Substance Identification Laws" H.P. 967 L.D. 1296

Bill "An Act Concerning Road Improvement Costs Related to Private Development Projects" H.P. 989 L.D. 1335

Bill "An Act Regarding Lobster Fishing" H.P. 1028 L.D. 1386

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 Create a Private Enterprise Act" H.P. 31 L.D. 32

Bill "An Act to Reform Regulatory Proceedings under Rulemaking of the Maine Administrative Procedure Act" H.P. 495 L.D. 665

Bill "An Act to Provide Training for New School Bus Drivers" H.P. 606 L.D. 824

Bill "An Act to Streamline Costs in the Criminal Justice System and Ensure the Constitutional Rights of Indigent Defendants"

H.P. 787 L.D. 1059
 Bill "An Act Concerning Information on Proposed Agency Rules Provided to Legislative Committee Members"

H.P. 832 L.D. 1123
 Bill "An Act Concerning the Authority of Crossing Guards in Reporting Motor Vehicle Violations"

H.P. 948 L.D. 1277
 Bill "An Act to Equalize Truck Weights on All Maine Roads"

H.P. 978 L.D. 1325
 Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control"

H.P. 1007 L.D. 1354
 Bill "An Act Relating to the Uniform Limited Partnership Act"

H.P. 1018 L.D. 1371
 Bill "An Act to Create Job Opportunity Zones"

H.P. 1057 L.D. 1427
 Bill "An Act to Permit Alteration of the Valley Brook Stream"

H.P. 1064 L.D. 1447

Ought to Pass in New Draft

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Clarify the Definition and Application of Active State Service in the Defense Laws"

H.P. 1117 L.D. 1520

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

H.P. 1202 L.D. 1640

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 LEGAL AFFAIRS on Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations"

H.P. 80 L.D. 83

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

H.P. 1204 L.D. 1642

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 JUDICIARY on Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens"

H.P. 241 L.D. 309

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

H.P. 1203 L.D. 1641

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 UTILITIES on Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District"

H.P. 637 L.D. 860

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

H.P. 1201 L.D. 1638

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.

Ought to Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act to Give Local Election Wardens Authority to Select Locations where Signatures may be Collected"

H.P. 851 L.D. 1145

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Give Local Election Wardens Authority Concerning Gathering Petition Signatures"

H.P. 1205 L.D. 1643

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 HUMAN RESOURCES on Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings"

H.P. 270 L.D. 353

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-151).

Signed:

Senators:

GAUVREAU of Androscoggin

KERRY of York

GILL of Cumberland

Representatives:

MANNING of Portland

ROLDE of York

SIMPSON of Casco

BOUTILIER of Lewiston

CLARK of Brunswick

PINES of Limestone

TAYLOR of Camden

DELLERT of Gardiner

FARNUM of South Berwick

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

Signed:

Representative:

LAPOINTE of Auburn

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-151) READ and ADOPTED, in concurrence.
The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Senate
Ought to Pass

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Improve Public Lands' Camp Lot Management"

S.P. 475 L.D. 1438

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

Ought to Pass in New Draft

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Civil Service Law"

S.P. 310 L.D. 889

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

S.P. 547 L.D. 1652

Which Report was READ and ACCEPTED.
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 EDUCATION on Bill "An Act to Change the Process of Selecting the Commissioner of Educational and Cultural Services"

S.P. 99 L.D. 246

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec
RANDALL of Washington

Representatives:

MATTHEWS of Caribou
GOULD of Greenville
LAWRENCE of Parsonsfield
KILKELLY of Wiscasset
SMALL of Bath
O'GARA of Westbrook
NORTON of Winthrop

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

S.P. 546 L.D. 1649

Signed:

Senator:

ESTES of York

Representatives:

HANDY of Lewiston
PARADIS of Frenchville

(Representative BOST of Orono Abstained)

Which Reports were READ.

Senator ESTES of York moved the Majority OUGHT NOT TO PASS Report.

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

Senator ESTES: Mr. President. I would like to move the Majority Ought Not to Pass Report and speak to the Bill. Ladies and gentlemen of the Senate, I would like to explain this Bill. It is different and an amended version of an original Bill which would have changed the method in which the Commissioner was chosen. In 26 states in the United States, the commissioner is chosen by the Board of Education who serves at the pleasure of the Board of Education.

The original intent behind this legislation that I had sponsored was to remove the appointment of the Commissioner from a partisan position. There was some concern about whether the Commissioner would remain as an essential part of the Governor's Cabinet or not. In the amended version, the appointment was to be by the Governor with the approval of the Board, subject to the review of the local Standing Committee through the confirmation method that we use in the Senate. The term would be the same as the Governor's term but there would be an annual review with the Commissioner serving at the pleasure of the State Board of Education. My concern came from fact that over the past few years, the State has experienced 7 different persons serving as Commissioner or Acting Commissioner. My feeling was that this did not allow for a consistency in effective leadership. I think the situation becomes even more severe when one thinks of the number of positions in the Department that serve at the pleasure of the Commissioner.

The potential for turn over is great and the experience of turn over has been great. It is also difficult to recruit the best people for these positions when one realizes that their jobs may end at any point. Education is too important a need to suffer from this situation.

A second concern was also that under law, both the Commissioner and the State Board of Education have defined responsibilities but these responsibilities are not separate and unique, but rather in fact, complimentary and symbiotic. This does lead to a conflict and as the State Board needs the assistance of the Commissioner and the Department to carry out its' responsibility.

The decisions of the State Board affects what the Commissioner can do. When they do not work together, education suffers. The State Board does not have a staff and it was just a year or so ago, that legislations was considered to provide a staff to the State Board. I feel that the present situation does not lend itself to efficiency nor does it lend itself to consistency and effectiveness, in light of the fact of the importance of education in the State of Maine today. I hope we will consider this at some other time. This was not the feeling of the majority of the Committee and I felt it was my responsibility to explain to you the intent of the Bill. Thank you.

On motion by Senator ESTES of York, the Majority OUGHT NOT TO PASS Report was ACCEPTED.

Sent down for concurrence.

SECOND READERS

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

House

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

H.P. 657 L.D. 890

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

H.P. 1097 L.D. 1488

Bill "An Act Relating to Assignment of Group Health Insurance Benefits"

H.P. 1119 L.D. 1522

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

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

Bill "An Act Concerning Interstate or Intrastate Operating Permits"

H.P. 806 L.D. 1080

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.

Bill "An Act to Improve the Teacher and Administrator Certification Law"

H.P. 1195 L.D. 1629

Which was READ A SECOND TIME.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-78) READ.

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

Senator ESTES: I would like to clarify Senate Amendment "A" (S-78). This is a technical amendment that cleans up language that was an oversight in the Revisors Office and it simply eliminates a sentence making reference to Master Teacher.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-78) ADOPTED.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED AS AMENDED, 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 12 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

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

(C "A" H-148)

Bill "An Act to Require that Candidates' Petitions be Sworn"

H.P. 517 L.D. 690

(C "A" H-150)

Bill "An Act to Limit the Penalty a Landlord can Charge a Tenant for Late Payment of Rent"

H.P. 626 L.D. 849

(C "A" H-149)

Bill "An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service"

H.P. 792 L.D. 1064

(C "A" H-147)

Bill "An Act to Create a Statewide Reservation System for State Parks that have Overnight Camping Facilities"

H.P. 915 L.D. 1227

(C "A" H-146)

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

Senate

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

Bill "An Act to Simplify Fees for Certified Copies of Divorce Reported"

S.P. 464 L.D. 1421

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

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

Sent down for concurrence.

Senate As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives

S.P. 82 L.D. 168

(C "A" S-74)

Bill "An Act Providing Additional Higher Education Opportunities for Maine Students"

S.P. 143 L.D. 397

(C "A" S-76)

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

(C "A" S-72)

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

Sent down for concurrence.

Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons"

S.P. 436 L.D. 1316

(C "A" S-75)

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 AS AMENDED.

ENACTORS

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

Emergency

An Act Relating to the Membership of the Waldo County Budget Committee

H.P. 840 L.D. 1131

(C "A" H-125)

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

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

COMMUNICATIONS

The Following Communication: S.P. 548

113th MAINE LEGISLATURE

May 21, 1987

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Donald G. Alexander of Readfield

for reappointment as Justice of the Maine Superior Court.

Pursuant to Title 7, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on JUDICIARY.

Sent down 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 Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management"

H.P. 1208 L.D. 1648

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

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

Off Record Remarks

ORDERS OF THE DAY

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

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

S.P. 542 L.D. 1639

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

Pending - PASSAGE TO BE ENGROSSED

(In Senate, May 20, 1987, READ A SECOND TIME.)

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

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

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

Pending - RULING OF THE CHAIR

(In House, May 19, 1987, PASSED TO BE ENGROSSED.)

(In Senate, May 20, 1987, READ A SECOND TIME.)

THE PRESIDENT: In reference to L.D. 1073, Tabled pending a Ruling of the Chair as to whether this Bill violated Joint Rule 21. It is in the opinion of the Chair that this Bill does not require a fiscal note due to the fact that there is no expense to the State.

The pending question before the Senate is PASSAGE TO BE ENGROSSED.

Senator CAHILL of Sagadahoc requested a Division.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

On motion by Senator CAHILL of Sagadahoc, 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:

ORDERS

Joint Orders

On motion by Senator TUTTLE of York the following Joint Order: S.P. 549

ORDERED, the House concurring, that there is established the Joint Select Committee on Interscholastic Athletics. The committee shall study the feasibility of creating the Interscholastic Athletic Board within the Department of Educational and Cultural Services. If created, the board will:

1. Formulate and carry into effect policies and plans for improving secondary school interscholastic athletic conditions;

2. Make continuing studies of the relationship of sports to the overall program of secondary schools;

3. Develop, promulgate and make uniform suitable rules and interpretations governing secondary school interscholastic athletic competition and provide programs and training for the administration of that competition; and

4. Develop, promulgate and make uniform suitable rules governing:

A. Eligibility to participate in secondary school interscholastic athletic competition;

B. Athletic safety and protection; and

C. Other matters relating to secondary school interscholastic athletics and its participants; and be it further

ORDERED, that the committee shall consist of 9 members as follows: Five members of the House of Representatives to be appointed by the Speaker of the House and 4 members of the Senate to be appointed by the President of the Senate. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The appointing authorities shall make the appointments within 30 days following passage of this order and shall notify the Legislative Council in writing of their selections. The chairman of the Legislative Council shall call the first meeting of the committee and the committee shall select a chairman from among its members; and be it further

ORDERED, that the committee shall present in accordance with the Joint Rules its findings, together with any necessary recommended legislation, to the Second Regular Session of the 113th Legislature; and be it further

ORDERED, that legislative members of the committee shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings. If the committee meets on a day when the Legislature is in session, legislative members shall receive only one legislative per diem on that day, but may be reimbursed for all necessary expenses upon application to the Executive Director of the Legislative Council; and be it further

ORDERED, that the commission may request staff assistance from the Legislative Council. All agencies and departments of State Government shall cooperate with the committee and shall expeditiously

provide the committee with the information and materials that it needs to carry out the purposes of this order.

Which was READ.

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

On motion by Senator TUTTLE of York the following Joint Order: S.P. 550

ORDERED, the House concurring, that there is established the Joint Select Committee on Alternative Legal Study, to study the formation of a part-time or night law school at the University of Maine at Augusta; and be it further

ORDERED, That the committee shall consist of 9 members, as follows: Five members of the House of Representatives to be appointed by the Speaker of the House and 4 members of the Senate to be appointed by the President of the Senate. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The appointing authorities shall make the appointments within 30 days following final passage of this order and shall notify the Legislative Council in writing of their selections. The chairman of the Legislative Council shall call the first meeting of the committee and the committee shall select a chairman from among its members; and be it further

ORDERED, That the committee shall present in accordance with the Joint Rules its findings, together with any necessary recommended legislation, to the Second Regular Session of the 113th Legislature; and be it further

ORDERED, That legislative members of the committee shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings. If the committee meets on a day when the Legislature is in session, legislative members shall receive only one legislative per diem on that day, but may be reimbursed for all necessary expenses upon application to the Executive Director of the Legislative Council; and be it further

ORDERED, That the commission may request staff assistance from the Legislative Council. All agencies and departments of State Government shall cooperate with the committee and shall expeditiously provide the committee with the information and materials that it needs to carry out the purposes of this order.

Which was READ.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator TWITCHELL for the Committee on AGRICULTURE on Bill "An Act to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control"

S.P. 487 L.D. 1469

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Clarify the Definition and Application of Active State Service in the Defense Laws"

H.P. 1202 L.D. 1640

Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens"

H.P. 1203 L.D. 1641

Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations"

H.P. 1204 L.D. 1642

Bill "An Act to Give Local Election Wardens Authority Concerning Gathering Petition Signatures"

H.P. 1205 L.D. 1643

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

Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District"

H.P. 1201 L.D. 1638

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending PASSAGE TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings"

H.P. 270 L.D. 353
(C "A" H-151)

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 concurrence.

Senate

Bill "An Act to Improve Public Lands' Camp Lot Management"

S.P. 475 L.D. 1438

Bill "An Act to Amend the Civil Service Law" (Emergency)

S.P. 547 L.D. 1652

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act Relating to Check Cashing"

S.P. 274 L.D. 784

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-79).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-79) 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years

LEGISLATIVE RECORD - SENATE, MAY 21, 1987

S.P. 87 L.D. 173
(C "A" S-73)

In Senate, May 20, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-73).

Comes from the House, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee"

H.P. 511 L.D. 684
(C "A" H-126)

In Senate, May 18, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126) AND HOUSE AMENDMENT "A" (H-159) in NON-CONCURRENCE.

The Senate ADHERED.

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Amend the Maine Tort Claims Act"

H.P. 682 L.D. 923
(C "A" H-108)

In Senate, May 13, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-108), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-158) in NON-CONCURRENCE.

The Senate ADHERED.

(See Action Later Today)

Non-concurrent Matter

Bill "An Act to Provide Special License Plates and Decals for People with Hearing Impairments"

H.P. 1106 L.D. 1498
(S "A" S-63)

In House, May 12, 1987, PASSED TO BE ENGROSSED.

In Senate, May 18, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-63) in NON-CONCURRENCE.

Comes from the House, that Body ADHERED in NON-CONCURRENCE.

On motion by Senator DOW of Kennebec, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, to Establish the Special Commission to Study School-entrance Age and Preschool Services (Emergency)

H.P. 1111 L.D. 1505

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-162) in NON-CONCURRENCE.

The Senate ADHERED.

Sent down for concurrence.

Non-concurrent Matter

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

H.P. 1173 L.D. 1599

In Senate, May 19, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-157) in NON-CONCURRENCE.

The Senate ADHERED.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 551

113th MAINE LEGISLATURE

May 21, 1987

Senator Stephen C. Estes

Representative Stephen M. Bost

Chairpersons

Joint Standing Committee on Education

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Harrison L. Richardson of Falmouth for reappointment to the University of Maine, Board of Trustees.

Please be advised that Governor John R. McKernan, Jr. has nominated George W. Wood, III of Bangor, Robert H. Foster of Machias and Patricia Collins of Caribou for appointment to the University of Maine, Board of Trustees.

Pursuant to Title 26, M.R.S.A. Section 1022, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down for concurrence.

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA, 04333

May 21, 1987

Honorable Joy J. O'Brien

Secretary of the Senate

113th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1008, Legislative Document 1355 AN ACT to Provide Unemployment Compensation During Employer-initiated Lockouts, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Eighty-four voted in favor and fifty-nine against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits" (Emergency) H.P. 1066 L.D. 1449

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 STATE AND LOCAL GOVERNMENT on Bill "An Act to Change the Perry-Pembroke Boundary Line" (Emergency)

H.P. 1139 L.D. 1549

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-160).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-160) READ.

House Amendment "A" (H-160) INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 373 L.D. 494

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 Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State" (Emergency)

H.P. 945 L.D. 1268

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-156).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-156) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Extend Maine's Bottle Bill"

H.P. 662 L.D. 895

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot
BRANNIGAN of Cumberland
WHITMORE of Androscoggin

Representatives:

LEBOWITZ of Bangor
ALIBERTI of Lewiston
GURNEY of Portland
TELOW of Lewiston
SHELTRA of Biddeford
STEVENS of Sabattus

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

Signed:

Representatives:

ALLEN of Washington
REED of Falmouth
HILLOCK of Gorham
RACINE of Biddeford

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

Which Reports were READ.

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

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Make Liquor Retail Prices Uniform Throughout the State"

H.P. 94 L.D. 103

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1206 L.D. 1644

Signed:

Senators:

KANY of Kennebec
ESTES of York

Representatives:

PRIEST of Brunswick
PERRY of Mexico
MURPHY of Berwick
PAUL of Sanford
STEVENSON of Unity
MARTIN of Van Buren
HARPER of Lincoln
STEVENS of Sabattus
TUPPER of Orrington
JALBERT of Lisbon

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

Signed:

Senator:

DILLENBACK of Cumberland

Comes from the House RULED NOT PROPERLY BEFORE THE BODY, being in violation of Joint Rule 21.

Which Reports were READ.

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

ENACTORS

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

An Act Concerning Interdepartmental Coordination of Services to Children and Families

H.P. 276 L.D. 359

(C "A" H-133)

LEGISLATIVE RECORD - SENATE, MAY 21, 1987

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)

An Act to Revise the Procedures for the Enforcement of Money Judgments

S.P. 305 L.D. 874
(C "A" S-66)

An Act to Facilitate the Movement of Emergency Relief Vehicles

S.P. 309 L.D. 888

An Act to Clarify and Amend the Maine State Retirement Law

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

An Act Relating to the Capitalization of the Maine Capital Corporation

S.P. 419 L.D. 1299
(C "A" S-64)

An Act to Require Recording of Certain Subdivision and Zoning Variances

H.P. 990 L.D. 1336

An Act to Clarify the Laws Relating to Forest Insect and Disease Control

H.P. 1029 L.D. 1387

An Act Concerning the Affidavit of Paternity

S.P. 460 L.D. 1417

An Act Concerning the Taking of Smelts

H.P. 1153 L.D. 1568

An Act to Amend Certain Election Laws

H.P. 1154 L.D. 1569

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

H.P. 1170 L.D. 1596

An Act Concerning Prizes Awarded by Charitable Organizations

H.P. 1172 L.D. 1598

An Act Concerning Smoking in Restaurants

H.P. 1174 L.D. 1600

An Act to Provide Qualified Nursing Assistant Services

S.P. 533 L.D. 1604

An Act Concerning the Use of Safety Devices in Public Swimming Pools

S.P. 534 L.D. 1605

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 Relating to the Purchase of Alcoholic Beverages by Minors

H.P. 1156 L.D. 1571

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

An Act to Establish a Presidential Primary in Maine

S.P. 531 L.D. 1595

On motion by Senator KANY of Kennebec, 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-80) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator KANY: Thank you Mr. President and members of the Senate. This amendment corrects a technical printing error by clarifying which account in the Secretary of State's Department will be responsible for printing and distributing ballots for the primaries.

On further motion by same Senator, Senate Amendment "A" (S-80) ADOPTED.

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

Sent down for concurrence.

An Act to Establish the Well Water Information Law

H.P. 1171 L.D. 1597

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

An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums

S.P. 532 L.D. 1603

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

Resolve

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

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

Emergency

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

H.P. 1169 L.D. 1574

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

Emergency Resolve

Resolve, Reestablishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons

H.P. 1176 L.D. 1602

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1987

H.P. 1178 L.D. 1607

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and

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

On motion by Senator DUTREMBLE of York, the Senate RECONSIDERED whereby it ADHERED on:

Bill "An Act to Amend the Maine Tort Claims Act"
H.P. 682 L.D. 923
(C "A" H-108)

(In Senate, May 21, 1987, ADHERED.)

(In House, May 21, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-158) in NON-CONCURRENCE.)

(In Senate, May 13, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-108).)

On motion by Senator DUTREMBLE of York, the Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act Concerning Interstate or Intrastate Operating Permits"

H.P. 806 L.D. 1080

Tabled - May 21, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, May 21, 1987, READ A SECOND TIME.)

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

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

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

Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons"

S.P. 436 L.D. 1316
(C "A" S-75)

Tabled - May 21, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate May 21, 1987, READ A SECOND TIME.)

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

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

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

Tabled - May 21, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED (Roll Call Ordered)

(In Senate May 20, 1987, READ A SECOND TIME.)

(In House May 19, 1987, PASSED TO BE ENGROSSED.)

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

Which was PASSED TO BE ENGROSSED, in concurrence.

On motion by Senator WEBSTER of Franklin, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED:

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

(In Senate May 21, 1987, PASSED TO BE ENGROSSED, in concurrence.)

(In House May 19, 1987, PASSED TO BE ENGROSSED.)

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: The Pending question before the Senate is PASSAGE TO BE ENGROSSED.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, in 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 20, 1987, by Senator TWITCHELL of Oxford.

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.)

Which was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

On motion by Senator DOW of Kennebec, ADJOURNED until Friday, May 22, 1987, at 12:00 in the afternoon.