

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

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

In Senate Chamber
 Wednesday
 May 27, 1987

Senate called to Order by the President.

Prayer by Father Valmont Gilbert of St. Bridget's Catholic Church in Vassalboro.

FATHER GILBERT: Let us pray. Father in Heaven, look down upon the members of the Senate who come before You this morning to ask Your guidance. In these times when evil and injustices so often seem to overwhelm the truth, the beautiful and the good in the world, we pray that You will send Your spirit of truth to assist and guide the members of this Senate in all their deliberations. May all the laws that they enact perpetuate the principles of free government, insure justice, promote the interest and the happiness of all who live in this great state of Maine.

Grateful for the civil, political and religious liberties we enjoy, we invoke Your blessings on all the work of the Senate. This we ask in the name of Jesus, Your Son, Our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
 Non-concurrent Matter

Bill "An Act Relating to Agricultural Internship and Training"

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

In Senate, May 20, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-145), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-145) AS AMENDED BY HOUSE AMENDMENT "A" (H-176) thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Require Archery Hunter Training"

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

In Senate, May 20, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144) AS AMENDED BY HOUSE AMENDMENT "A" (H-170), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

COMMITTEE ON BANKING AND INSURANCE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 May 26, 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 Banking And Insurance has had under consideration the nomination of Joseph A. Edwards of Belmont, for appointment as the Superintendent of the Bureau of Insurance.

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 Joseph A. Edwards of Belmont, for appointment as the Superintendent of the Bureau of Insurance be confirmed.

Sincerely,
 S/Raynold Theriault
 Senate Chair
 S/Charlene B. Rydell
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on BANKING AND INSURANCE has recommended the nomination of Joseph A. Edwards of Belmont for appointment as the Superintendent of the Bureau of Insurance be confirmed.

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

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Joseph A. Edwards for appointment as the Superintendent of the Bureau of Insurance, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senate called to order by the President.

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:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Limiting the Power of the Legislature to Raise Taxes

H.P. 1167 L.D. 1593

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 Simplify Certificate of Need Review for Transfers of Ownership of Nursing Home Facilities"

H.P. 253 L.D. 326

Bill "An Act Relating to the Distance Requirements to Operate an Agency Store under the Liquor Laws"

H.P. 573 L.D. 771

Resolve, Relating to Workplace Substance Abuse Education

H.P. 757 L.D. 1020

Bill "An Act to Amend the Traffic-control Signal Law"

H.P. 929 L.D. 1245

Bill "An Act to Repeal the Gross Receipts Tax on Telecommunications Services" (Emergency)

H.P. 966 L.D. 1295

Bill "An Act Concerning the Construction of Public Assembly Buildings"

H.P. 996 L.D. 1342

Bill "An Act Relating to the Educational Requirements of Chiropractic Practice in this State"

H.P. 1001 L.D. 1347

Bill "An Act Concerning Costs for Discovery Materials in Criminal Proceedings"

H.P. 1146 L.D. 1561

Change of Reference

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the State's Capability to Respond to a Hazardous Materials Incident"

H.P. 1125 L.D. 1528

Reported that the same be REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES, in concurrence.

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Assessment of Floods, Droughts, Ground Water Contamination, Stream Water Quality and Hydropower Potential in this State"

H.P. 612 L.D. 830

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage"

H.P. 1124 L.D. 1527

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act Concerning the Authority of the Attorney General to Request Telephone Records"

H.P. 1068 L.D. 1451

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Provide Funds for the Maine Partners of the Americas, Inc.

H.P. 425 L.D. 570

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-171).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-171) READ and ADOPTED, in concurrence.

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

The Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens

H.P. 760 L.D. 1023

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-168).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-168) READ and ADOPTED, in concurrence.

The Resolve 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 Substance Abuse Treatment to Youths at the Maine Youth Center"

H.P. 396 L.D. 530

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

H.P. 1220 L.D. 1663

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 to Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors"

H.P. 1004 L.D. 1351

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

H.P. 1224 L.D. 1669

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Revitalize the Nongame Endangered Species and Wildlife Program" (Emergency)

H.P. 758 L.D. 1021

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Establishing the Commission to Study the Impact of Game and Nongame Species on Maine's Economy"

H.P. 1219 L.D. 1662

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-173).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-173) READ and ADOPTED, in concurrence.

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

The Committee on LABOR on Bill "An Act Concerning the Definition of Injury under the Worker's Compensation Act"

H.P. 407 L.D. 541

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Mental Stress Claims Under the Workers' Compensation Act"

H.P. 1223 L.D. 1668

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 LEGAL AFFAIRS on Bill "An Act Relating to the Maine State Lottery and the Tri-state Lottery"

H.P. 819 L.D. 1105

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec
ESTES of York
DILLENBACK of Cumberland

Representatives:

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

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

Signed:

Representative:

MURPHY of Berwick

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

Which Reports were READ.

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

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act Concerning Loads Carried in Certain Vehicles"

H.P. 310 L.D. 409

Reported that the same Ought Not to Pass.

Signed:

Senators:

DOW of Kennebec
THERIAULT of Aroostook
CAHILL of Sagadahoc

Representatives:

CALLAHAN of Mechanic Falls
SOUCY of Kittery
MILLS of Bethel
MOHOLLAND of Princeton
STROUT of Corinth
SALSBURY of Bar Harbor
MACOMBER of South Portland
MCPHERSON of Eliot

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-169).

Signed:

Representatives:

REEVES of Pittston
POULIOT of Lewiston

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

Which Reports were READ.

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

Senate

Leave to Withdraw

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

Bill "An Act Relating to Alcohol-related Birth Defects"

S.P. 411 L.D. 1262

Ought to Pass

Senator KERRY for the Committee on HUMAN RESOURCES on Bill "An Act to Ensure Accessibility to Mental Health Services for Deaf Persons"

S.P. 351 L.D. 1043

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.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Include the Term "Sexual Orientation" in the Maine Human Rights Act"

S.P. 221 L.D. 602

Reported that the same Ought Not to Pass.

Signed:

Senator:

BLACK of Cumberland

Representatives:

VOSE of Eastport

COTE of Auburn

MACBRIDE of Presque Isle

BEGLEY of Waldoboro

HANLEY of Paris

MARSANO of Belfast

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

Signed:

Senators:

BRANNIGAN of Cumberland

GAUVREAU of Androscoggin

Representatives:

PARADIS of Augusta

WARREN of Scarborough

CONLEY of Portland

THISTLE of Dover-Foxcroft

Which Reports were READ.

Senator BRANNIGAN of Cumberland moved to ACCEPT the Minority OUGHT TO PASS Report.

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

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. It is not right that 10% of the people in Maine have to hide a major element in their live or face legal discrimination in the area of their job and where they live. The Committee heard this Bill at length and heard that there was discrimination for homosexuals in housing and in employment. And, that it is legal, there is nothing to prevent this type of discrimination. Studies consistently throughout the United States and here in Maine have shown that approximately 10% of our population have this sexual orientation. That is hard to believe for most of us I think, that 10% of the people around us are gay, lesbian people. It is hard to believe because most of these people have to hide this element in their life. They have to hide it because if they don't they have to face loss of job and housing, as well as other harassment and difficulties. So, they hide, so we don't know. So, we can't know and so we can't get to know them and that is one of the major problems for us. We don't know them, and we can't get to know them as homosexuals. Oh we know them all right, we know them because we work with them, here in the Legislature, the Departments we work with, our relatives, our friends, we know them, but not as homosexuals. Back home as constituents throughout our life, we know gay people. On the whole we don't know them as gay. That makes it difficult, we like them, most of them,

just like we like almost all people. Some of them we don't like, just like there are people we don't like throughout the 100% of people we know.

The gay community has in the last two or three years tried to make it possible for us to know some of them, who do not hide, who brave the difficulties of being gay in a society where they can be discriminated against, legally. They have held gatherings and have invited us to those gatherings in our own districts and here at the Legislature. Some of us have attended. Once we have attended and begun to know people that profess themselves to be gay, that we know more about them. I would like to read on the Record a quote from Larry Connolly, who was really the prime mover in getting this Bill in front of the Legislature on several occasions.

The cosponsor of this Bill, in the last debate before the Legislature, he was discussing what it was like for us to meet gay people in these forums. He said, "they smile, and they cry, they feel, they hurt and they have the same needs for love and personal dignity as the rest of us. That is what the issue in this legislation is all about." We have been given a fact sheet on L.D. 602, that is well done, I think, and lays out what the Bill is doing, how it is including sexual orientation among all of the other categories in which discrimination is not allowed. Making the point that this is in no way saying that homosexuality is admirable or acceptable, but whether discrimination is tolerable. It discusses the issue of AIDS and how difficult it is to deal with this when so many of the population of the gay are in hiding. It goes over some of the misconceptions that we have, many of them, I believe, because we just don't know the people around us are gay. It tells that there is really no evidence in any political liability for those who have voted no, either here or in Wisconsin where it was passed. In other states, people have voted for this Bill and no one has ever been defeated. Last, it gives a long list of groups, here and across the country, that support the passage of civil rights and human rights for gay and lesbian people.

I was looking this over and there are all kinds of people represented, religious groups, Catholics, Protestants, Jews, medical association, bar association, teachers associations, here and across the country. Looking down the group, I was thinking that there was one group missing and two groups that are most important. One group that is missing and one of the two that is most important is this group, the Legislature. The group that can really make a difference in this issue. The Legislature. The other is the parents and friends of lesbians and gays. They are the ones who hosted some of the meetings that we had this year. When parents begin to speak out for their children, it will help to change this unfortunate situation. It must take a great deal of courage for parents to even accept and deal with the situation when one of their children tells them that they are gay, especially in our society. But when parents, and I urge parents to deal with this issue, to come to grips with it and have the courage to speak out, they will do more than anyone else, except the group that we belong to, they will do more for them than anyone else can. For those who need courage this morning, those among us and those who are parents, I wish you courage and I ask you to support the motion. Thank you Mr. President.

On motion by Senator BLACK of Cumberland, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

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

Senator ANDREWS: Thank you Mr. President, ladies and gentlemen of the Senate. I rise today to support the Senate Chair of the Judiciary Committee, my friend and colleague from Cumberland, Senator Brannigan. I am the sponsor of L.D. 602, and a proud sponsor of this piece of legislation. The legislation, if you look at it and I hope you do, lays out before us a question, a fundamental question. The question is not one of acceptance or rejection of a lifestyle. And the question is not whether we accept or reject one's personal decision about one's sexuality. The question we have before us is one of law and one of civil rights. The question is namely, "Should the state of Maine support the systematic discrimination of thousands of our citizens solely because of their personal sexual orientation?" That is the question. Should Maine support that discrimination? A vote of opposition to L.D. 602 is an answer of yes to that question. The state of Maine does support and will support systematic discrimination against thousands of Maine citizens. L.D. 602 is very clear. It says no, as an answer to that question. It says no with respect to four specific areas of Maine law, employment, housing, public accommodation and credit, four areas of Maine law that we are saying simply that there will not be discrimination against Maine citizens because of their personal sexual orientation. This is not a new piece of legislation, it has been here before. And when it has come before this Body and when it has come before the other Body, one of the issues raised is whether or not this legislation or this type of legislation is needed in the state of Maine. Whether this protection is necessary. Year after year, we hear increasing evidence, strong evidence, solid evidence, the answer to that question is yes. We heard in the public hearing, before the Judiciary Committee just a few weeks ago, countless members of various accounts, personal testimonies from people who have suffered discrimination in all four of those areas. We have seen a study that documented instances, statistically of discrimination against gay men and lesbian women in all four areas. In fact, according to this study, 46% of the respondents provided evidence of discrimination in employment, 28% provided evidence of discrimination in housing.

The discrimination that is faced by these Maine citizens is often very subtle. Very often it takes the form of subtle discrimination which forces those individuals to hide their sexuality. What we have seen are shocking examples of other forms of discrimination that are not subtle at all. Blatant harassment, violence, persecution in the state of Maine. This legislation says that you may accept or reject that particular lifestyle and you may accept or reject the decision of someone to say openly that they are gay or lesbian. That is fine, you have every right to accept or reject that on whatever personal grounds that you have.

But L.D. 602, says that we, as a state, should no longer tolerate, accept and support discrimination, harassment and violence against those people in the state of Maine who are gay or lesbian. It is as simple and straight forward as that. It is civil rights, its basic decency, it is taking the spirit of our Constitution and the Bill of Rights and really testing the spirit of that document. Particularly if you personally have a very difficult time with accepting someone who is gay or lesbian. Particularly if you reject that lifestyle personally. It is those times when we are called

upon and truly tested of how we we truly feel and to what degree we believe in the Constitution of this country and the fundamental principles in which this country was founded. Our medal is being tested with legislation such as L.D. 602. So, I stand before you today in support of civil rights, fairness and decency. I stand before you in the spirit of this country and the Constitution. I stand before you presenting you a clear documented need for protection for these citizens, protection that L.D. 602 will afford.

I would like to quote one piece of testimony before the Judiciary Committee, I urge in this Bicentennial year to extend the promise of the Constitution to gay men and lesbians. "For what is life if you might, at any moment, get fired from your job for who you are? What is liberty if you can be evicted solely because of your sexual orientation? What is the pursuit of happiness if you live in fear and are able to keep your job and home only by hiding who you really are?" Then I would like to conclude by quoting Representative Larry Connolly, who was a champion of this cause, "the issue that is presented in this amendment to the Human Rights Act, is the same issue as the time it was before the Legislature back during the 108th. It is one of fundamental human rights, despite any misleading attempts that might be made to color the issue otherwise. It is a civil rights issue that is rooted in the basic principles of fairness and justice upon which this country was founded." Presenting this Bill to the Joint Standing Committee on Judiciary was extremely difficult. I had all I could do time wise to drive from the funeral of Larry Connolly to the Judiciary Committee to present this Bill. Larry Connolly was a cosponsor of this legislation, as he has been in sessions past. While we buried Larry Connolly on the day that this Bill was presented, his spirited lived in that Committee room and it lives with us today. The spirit is one of justice, of fairness, of basic decency and a fundamental respect for the spirit of our Constitution in this country. On the basis of those principle for which Larry Connolly stood, I ask you to support the motion Ought to Pass on L.D. 602. Thank you.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I didn't know this Bill was coming up today and I have no prepared presentation. I can assure you that I debated Larry Connolly before, every time this Bill came up, and Larry was a good friend of mine, we had a good time and even made bets on the Presidential election. I won the bottle of scotch.

Larry was fair and I think that I am fair. In being fair, I have to consider my constituents and I have received more letters on this issue than any other issue to date. What is the issue? The issue is fairness, do not the people out there have a right? They have rights too and their concern is that if it is against my religion to accept this forum, I have a right not to live in the same house with that person. I have a right not to hire that person, I have certain rights too. That is what happens in these letters. I accept their concerns, this Bill has not passed in the past, it has been here every year. Talk about rights, we have more rights in this country than anybody in the world. Some countries kill homosexuals.

The thing that personally bothers me the most is that homosexuals flaunt their homosexuality. They do it in the street and they do it everywhere. There is a great concern today about AIDS. I have learned

more about homosexuals in the last two years than I ever wanted to know about them and the practices that they practice. I think it is right to vote against this type of Bill. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President, ladies and gentlemen of the Senate. I am speaking to you today as the Senator from District 34. In the past, I have opposed this Bill and I will oppose it again today. But I do so with mixed feelings and as I hear the debate here I get a little bit look disturbed because, to myself I say, this is not the sort of thing that we should be including in the Maine Human Rights Act. I just don't believe that. The good Senator from Cumberland, Senator Andrews, says that this is a civil right in accepting people, well I do accept it, I accept everybody. Most of the people of this state accept everybody. When I walk down the halls of the State House, I don't look around and ask myself what the sexual preference of anybody is. It does not make any difference. I will not support this simply on the fact that I just don't believe that it belongs in the Human Rights Act. If you look at the other items that are included on that, it is not the sort of this that should be included.

Then I hear remarks from the good Senator from Cumberland, Senator Dillenback, who talks about not hiring people because of homosexuality or not living with people in the same home or apartment because of homosexuality, then I got really disturbed. We are talking about people. I will be opposing this, but I would hope that Senator Dillenback opposes it for the same reason and not for those discriminatory reasons.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. The basis for the statement that I made was strictly on religious grounds and not for any discriminating purpose whatsoever. Thank you.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. The remarks here today remind me strongly of why I support this Bill. Before we put our stamp of this Bill and send it out of this Chamber, I would like to remind everyone of the debate that was waged in the country during the Civil Rights Movement, during the post-slavery years and the remarks of Justice John Marshall Harlan, and in his remarks are the reasons why I will support this Bill today. But in view of the Constitution, in the eye of the law, there is in this country no superior dominant ruling class of citizens. There is no cast, our constitution is color blind and should be people blind. It neither knows or tolerates classes among any citizens. In respect of civil rights, all citizens are equal before the law. The most humble is the peer of the most powerful. The law regards man as man. That is why ladies and gentlemen, I will support this Bill here today.

Talking about discrimination in housing, public accommodation, access, does that remind the members of this Body of a debate waged not so long ago? We have a democracy, and democracy is not easy, it is the toughest form of government known to man. And that Constitution must be protected, it must protect the rights of all citizens or it protects the rights of none of us.

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

Senator BALDACCI: Thank you Mr. President, men and women of the Senate. In the past, I have supported, not this measure, but an amended version of this particular measure. I felt it important because it was one of the more important lessons that you learn in the Bible is that you should love your neighbors and you should show compassion for your neighbors. You should try not to discriminate against your neighbors. Basic Christian values, and I think that is so important today, while we are discussing this, because what we are talking about today is that we are allowing certain classes of people to be discriminated against. I think that it is important that we have a message against that type of discrimination, I am not sure whether the way the Bill was drafted is, in fact, that message. But, I think it is important that we don't send out the wrong message, as has been alluded to in earlier debate that it is all right that you do discriminate against these people because of what we perceive to be a fear epidemic that is going on among most of the communities in the world.

The point here today is that the message be sent out that maybe the Senate was not going along with the particular Bill, not because it didn't want to grant those rights, not that it wanted people to be allowed to be discriminated against, but that may be the way the Bill is drafted. Those happen to be my reasons in that I think it may go a little bit further than what I intended to do and I cosponsored this measure in the past to allow it to be introduced. It dealt with certain aspects of employment, housing and credit. Certain aspects of that were defined and I think that was something that could appeal to a lot of people.

There was a message and at the same time it was protecting people in a certain area. I felt that it was doing a very important justice to us today, but I think today, the Bill that has been drafted is maybe a little broader than I would appreciate and it is only for those reasons.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I respect the remarks of the good Senator from Penobscot, Senator Baldacci and understand his concerns regarding the potential breadth of the wording in L.D. 602. But as a member of the Joint Standing Committee on Judiciary and having sat through the rather lengthy hearing regarding the so-called gay rights Bill, it is my distinct impression that those who testified in opposition to this measure and to an advocate for its defeat in these halls today, do not have the same concerns of the Senator from Penobscot. But rather a speech to a more simple and a more disturbing message and theme. That is intolerable. What we have heard from preceding speakers today, is the clear mandates in a democratic pluralistic society, all persons should be accorded fundamental basic civil liberties. In fact, if one review the history of the American experiment, one comes to the recognition that these freedoms and liberties, which we cherish in this, our Bicentennial, year of our Constitution, have not been secured or maintained easily. In fact, they are constantly under challenge, it has been a long and arduous road to secure and vindicate the liberties of the American people. As we are all too painfully aware, when our Constitution was drafted, black persons were not even considered persons, they were considered property. The Bill debate in the Constitution was what weight should be accorded to various states according to the slave populations. Black persons were given 3/5 status as individuals,

it was no until the so-called civil rights amendments, subsequent to the Civil War that black persons were, at least in theory, accorded equality under our law. It was fully another half century before females were in law accorded the same rights.

It seems to me the struggle which we are embarking upon today, is a constant dynamic and it will not end with the debate today, and it will not end with the vote this morning. It will go on and on. Ultimately, I am optimistic, there is a fundamental decency and positiveness in the American people which requires us to explore constantly the commitment which we cherish to equality. We will explore new frontiers. I can count and frankly, I don't believe the votes are here in this Chamber or in the other Body to secure passage of this legislation, this particular year. In fact, there are some who expressed reasoned and principled opposition to this Bill. But I have a deep seeded concern that there are others who for base political motivation, would exploit this measure and would in fact advocate this subordination of a certain class of our people for raw political benefit. I feel that is fundamentally indecent.

I have also heard concerns expressed by some that there has been no demonstrated need for legislation which would secure the vindication of rights of gay and lesbian people in our society. I have a very simple response to that, it seems to me that there are individuals in this Legislature who intellectually agree that these rights should be accorded, but due to fear for political incrimination are reluctant to cast their votes in favor of this legislation.

Men and women of the Senate, if you, the elected leaders of our state, fear to take a positive step to advance civil liberties for our people, how can one reasonable argue that there is no need to protect our rank and file citizenry from incrimination. For these reasons, I strongly support the motion of my good Chair, the Senator from Cumberland, Senator Brannigan, that we accept the Ought to Pass Minority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BRANNIGAN of Cumberland to ACCEPT the Minority 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.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, GAUVREAU, KANY, KERRY, MATTHEWS, USHER

NAYS: Senators BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, LUDWIG, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, with No Senators being absent, the motion of Senator BRANNIGAN of Cumberland, to ACCEPT the Minority OUGHT TO PASS Report, FAILED.

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 Amend the Liquor Laws as they Pertain to State Brewers"

H.P. 1213 L.D. 1655

Bill "An Act Relating to Property Abandoned by Tenants"

H.P. 1214 L.D. 1656

Resolve, to Compensate Jacqueline A. Caron, Personal Representative of the Estate of Alphee Caron, for Wrongful Death and for Personal Injuries on Behalf of Herself and her Minor Child, Jeffrey Caron, in Excess of Statutory Limits of Recovery

H.P. 1215 L.D. 1657

Bill "An Act to Provide School Approval for Nontraditional Limited Purpose Schools"

H.P. 1217 L.D. 1660

Bill "An Act to Provide Substance Abuse Prevention, Education and Treatment Services for County Jail Inmates and their Families"

H.P. 1218 L.D. 1661

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

House As Amended

Bill "An Act to Divest State Pension Funds from those Businesses or Corporations doing Business in the Republic of South Africa and Namibia"

H.P. 83 L.D. 86

(C "A" H-163)

Bill "An Act to Increase State Funding for Homemaker Services"

H.P. 210 L.D. 262

(C "A" H-164)

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

Senate

Bill "An Act to Clarify the Laws Pertaining to Payment for Medical Services"

S.P. 499 L.D. 1516

Bill "An Act to Amend the Maine Juvenile Code"

S.P. 521 L.D. 1573

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Expedite the Processing of Environmental Permits"

S.P. 81 L.D. 167

(C "A" S-87)

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

The Chair laid before the Senate the Tabled and Later Assigned matter: (5/26/87)

Bill "An Act to Extend Maine's Bottle Bill"
H.P. 662 L.D. 895

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED
(In Senate, May, 26, 1987, READ A SECOND TIME.)
(In House May 21, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "E" (S-94) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Mr. President and members of the Senate. This is one of two amendments that are technical in nature of those amendments that you are dealing with on this bottle bill. These are two that are technical. One is a better description of the wine cooler to be a wine cooler. The way it is written it has been like a table wine. The second is an implementation where the wineries that have never done this deposit on wine coolers have to readjust their marketing. It was allowed for soda and beer a period of almost 2 years. What is being suggested here is a year from the implementation period for them to adjust and to make that change. That is a technical thing so they re-tool and get ready to handle the Maine wine cooler. The other one is a definition. Of those 3 amendments that I have prepared, 2 are technical. One deals with the implementation date, which is the one that you have before you today. The next one that I will be offering, is the one that is the definition of the wine cooler, which was not written in the present Bill.

Senator PEARSON of Penobscot moved the INDEFINITE POSTPONEMENT Senate Amendment "E" (S-94).

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Mr. President, men and women of the Senate. My recollection is, and I think it is accurate, is that when the first bottle bill was introduced and passed by the Maine Legislature, right after it was passed and it became law, what the companies did in order to make sure the returnable notice was put on the bottles was simply by a sticker. If I remember correctly, they put it on the cap or on the side, one of those that do not peel off very easily. It said "5 cents refundable, State of Maine." That was done by the distributor and it was no big deal to do that. You simply deal with a company that sells stickers and you put them on the bottles until such time that they can include that in the label of cap of the wine cooler. This seems to me to be unnecessary because if we pass this, it would not take effect until 1988, a year from this July and I don't think we need to wait that long.

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

Senator BALDACCI: Mr. President, men and women of the Senate. It is quite apparent that we're going to have a wine cooler deposit. There is no question about that, we're going to return the wine coolers. There is no effort here to fight this. I disagree with it, the members of the Committee disagree with it, but it is the will of the Legislature to move forward. These amendments are going to make this workable.

That is what is being proposed here today. I have discussed it with members of the Committee and they agree that there needs to be a time for a start up. They are talking about drafting their own language in the other body to accommodate that. They are obvious to the fact that they have to have a

period of time to re-tool and to change it so they can deal with this.

It is a fact of life. There was almost 2 years before the soda and beer people had to re-tool to get ready for it. It is not that easy, I submit to you, that there are certain mechanical problems. These are wineries that have never done this before and they have not had the same techniques of distribution as the soda a beer companies. They are different. They are not in the same business. They will need a period of time. It was agreeable to the members of the Committee that time be given. That is what is being looked for here. The second amendment is a better definition of the wine cooler. Those are two that I consider to be technical amendments to make this thing workable, if you want it to work right with the lesser amount of confusion and to move forward as quickly as possible. They should know from the discussion here in the Legislature, in the House and in the Senate, that the people of Maine want this type of thing and they have to get ready for it. That is why they do not need as much time. So, there is no question that they are not getting as much time and they should be notified now. This is just allowing a little bit of time so they can get things re-tooled. Thank you.

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

Senator LUDWIG: Mr. President, men and women of the Senate. Amendments serve a purpose, but when you get half a dozen amendments attached to a bill, which is strong enough to stand by itself, it is evident that there is a move to confuse, delay and kill a bill, a very good bill. I would ask that you trust. There will be ways for inequities to the industry or to others as this Bill is implemented. Right now, I think it is important to pass this Bill without amendments.

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

Senator BALDACCI: Mr. President and members of the Senate. I appreciate the comments of the good Senator from Aroostook, Senator Ludwig. At this time it is the only time which you can amend a Bill, when it is in Second Reading. The Senators on the Committee did not agree with the report, there are problems with the way the Bill is drafted, problems with the way it describes wine cooler and it could include a lot more than just a wine cooler. It should be defined so it is, in fact, just a wine cooler and not table wine or all the other products that are out there. That needs to be done. There are members of the Committee that have contacted the Alcoholic Beverages Bureau here, to get a better definition of what is proposed in the Bill.

There are problems with an implementation date and the way the Bill is drafted, it says wine cooler. There are definite problems. There is no confusion here about this particular issue. Everybody is agreeable. I think, as you go on and discuss other amendments, there could be an opportunity for disagreement about those amendments. But, I would hope if we want to move forward with the lesser amount of confusion and to have it more workable, that you would go along with these amendments. Thank you. I would request a Roll Call.

On motion by Senator BALDACCI of Penobscot, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to INDEFINITELY POSTPONE Senate Amendment "E" (S-94).

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BRAWN, CAHILL, CLARK, COLLINS, DILLENBACK, EMERSON, GILL, KANY, LUDWIG, PEARSON, TUTTLE, TWITCHELL, WEBSTER,
 NAYS: BALDACCI, BERUBE, BLACK, BRANNIGAN, BUSTIN, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GOULD, KERRY, MATTHEWS, MAYBURY, PERKINS, SEWALL, THERIAULT, USHER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-94), FAILED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "E" (S-94) ADOPTED.

On motion by Senator TWITCHELL of Oxford, Senate Amendment "C" (S-91) READ and ADOPTED.
 (See Action Later Today)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-89) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Mr. President and members of the Senate. This is the amendment which I referred to earlier. It is a definition that strictly adheres to wine coolers, 7% alcohol content. You will notice that most of them are 4 and 5%. Very few are at 7%. It limits that and is more geared toward that particular area, which is strictly wine coolers. I think it is very, very technical amendment. I hope that you will support it. Thank you.

Senator KANY of Kennebec moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-89).

THE PRESIDENT: The Chair recognizes that same Senator.

Senator KANY: Thank you, Mr. President. Fellow Senators, I hope that you vote in opposition to this amendment. I do hope that you do so, realizing that perhaps the recipe for wine coolers could change. If so, then wine coolers would not fall under the definition of the Returnable Bottle Bill. I do hope that you will vote to Indefinitely Postpone this amendment.

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

Senator BALDACCI: Mr. President and members of the Senate. I don't need to go over this again. I want this to become law. I want wine coolers to be returned and to be workable. It is the will of the majority. The Committee process served the purpose. The Senate has given its feelings on this particular issue. This is a definition of a wine cooler. Strictly a wine cooler. Nobody is trying to get around anything. Nobody is proposing anything that to go to that degree. Believe me, the distributors are not going to put any more alcohol in a wine cooler to get around the Maine Deposit Law, because it would be a lot more expensive to increase the alcoholic content than it would be to adhere to the Deposit Law. Most of them are at 4 and 5% alcohol content. This just gets away from the other bottled wine. As a matter of fact, I probably should be more concerned that its not expanding it, but I think the Legislature wants to deal with wine coolers and this amendment specifically is geared toward that technical area. I would appreciate your support on this amendment. Thank you.

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

Senator WHITMORE: Thank you, Mr. President. Ladies and gentlemen of the Senate. I hate to stand up and take opposite sides with my good colleague, Senator Baldacci. It has come to my attention that the Reunite products that certainly do not qualify as wine coolers really do fall under this definition. I do not think we are trying to include the Reunite products, having the same contents as spelled out in here with the same percentage of alcohol. I think that could cause some confusion because it was not the intent. Further, I think the definition of wine cooler by itself, since that is what is printed on the label, is sufficient enough definition. I think that by adopting this amendment, it may just in fact, cloud the issue.

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "A" (S-89).

The Chair laid before the Senate the Tabled and Later Assigned matter: (5/26/87)

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

H.P. 1201 L.D. 1638

Tabled - May 26, 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 until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (5/26/87)

Bill "An Act to Amend the Charter of the Lubec Port Authority"

H.P. 412 L.D. 546

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 22, 1987, RECALLED from the Legislative files, pursuant to Joint Order (H.P. 1207), in concurrence.)

(In House, May 26, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-153) in NON-CONCURRENCE.)

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

The Chair laid before the Senate the Tabled and Later Assigned matter: (5/26/87)

Bill "An Act to Establish a Statewide Training Program for Staff of Long-term Care Facilities"

S.P. 536 L.D. 1619

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

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

(In House, May 26, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-172) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

Off Record Remarks

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 26, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

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

(In Senate, May 21, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140) in NON-CONCURRENCE.)

(In House, May 26, 1987, that Body INSISTED.)

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

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

COMMITTEE REPORTS
 Senate

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act Concerning Proof of Insurance on School Buses"

H.P. 863 L.D. 1164

Have had the same under consideration and ask leave to report that the Senate Recede from acceptance of the Majority Ought Not to Pass Report and Concur with the acceptance of the Minority Ought to Pass as Amended by Committee Amendment "A" (H-130) and Pass the Bill to be Engrossed as Amended by Committee Amendment "A" (H-130), in concurrence

Signed on the part of the Senate:

Senator DOW of Kennebec
 Senator THERIAULT of Arostook
 Senator CAHILL of Sagadahoc

Signed on the part of the House:

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

Which Report was READ and ACCEPTED.

The Senate RECEDED from ACCEPTANCE of the Majority OUGHT NOT TO PASS Report.

CONCURRED with ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED Report and the Bill was PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130), in concurrence.

Sent down for concurrence.

On motion by Senator DUTREMBLE of York, RECESSED until 11:00 this morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Extend Maine's Bottle Bill"

H.P. 662 L.D. 895

Tabled - May 27, 1987 by Senator BALDACCI of Penobscot.

Pending - Motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE SENATE AMENDMENT "A" (S-89)

(In Senate, May 27, 1987, Senate Amendment "E" (S-94) READ and ADOPTED. Senate Amendment "C" (S-91) READ and ADOPTED. Senate Amendment "A" (S-89) READ.)

(In House, May 21, 1987, PASSED TO BE ENGROSSED.)

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

Senator BALDACCI: Thank you, Mr. President, men and women of the Senate. I appreciate the time between and the opportunity to get some clarification on this particular issue. What the problem was is there was no definition either in the Federal or State statutes. It was an area in which we were venturing into where there was no definition whatsoever of wine cooler, so nobody had anything to cling on to. What was being included in the original Bill was much broader as far as table wines than what the intention was of a wine cooler or a wine spritzer, or whatever you'd like to call it. The proposed amendment, I have discussed with the good Senator from Androscoggin, Senator Whitmore, and we are now agree on the proposed amendment which basically would set up perimeters for what in fact, would be a so called wine cooler.

I think it is appropriate. I have just talked with the Bureau of Alcoholic Beverages and they say it is fine with them. They said the argument about re-formulating beverages such as coke or whatever, to get around the Bottle Bill was quote [Insane] unquote.

That they would not re-formulate and that the alcoholic content, not only if they tried to increase it, would they have to pay more for the gross cost, but they would also get taxed on percentage of alcohol too, so they would be increasing their tax liability, so they would not be going above that particular limit.

I would hope that we could go along with the amendment that has been proposed and vote against the motion to Indefinitely Postpone. Thank you.

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

Senator KANY: Mr. President and members of the Senate. I hope that you do go along with the Indefinite Postponement motion. It just seems that it is entirely possible that the manufacturers would choose to have more than 7% alcohol volume, consequently they would avoid the Returnable Bottle Bill. The Senate has gone on Record as being strongly in favor of adding wine cooler containers to the Returnable Bottle Bill law. I urge you to defeat the amendment before you.

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

Senator WHITMORE: Thank you, Mr. President, men and women of the Senate. If you really take a look at the Bill that was passed, L.D. 895, and the definition within that Bill, beverage is defined as any beverage made with table wine, period. We placed a call to the Liquor Commission. Anything that had a table wine in it, we're talking about, and I hate to use names for fear of advertising purposes, but the use of Boone's Farm, any Lambrusco, a Reunite product, any of those that are flavored wines that are currently being sold by the Liquor Commission through the liquor stores, would fall under this act.

If you change it, per the amendment, and I do now support the amendment, following discussions during the recess that we had, the amendment will solve that problem. I am afraid that if we don't amend it, we're going to wrap more into this than we had intended to. Therefore, I would urge you to defeat the pending motion and vote in favor of the amendment.

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

Senator PEARSON: Mr. President, men and women of the Senate. I truly am confused as to how I am going to vote. I really have not made up my mind. I don't drink very much, myself, I don't think I have been in

a liquor store for 15 years. I don't really know exactly what it is that is sold in liquor stores as far as wine is concerned. I did make a call yesterday to find out when you had sufficient alcoholic content and they said it was 15%. They said 15% is what they sell in a liquor store.

I did go to a store yesterday to read some labels on wine coolers. It is, as Senator Baldacci indicated, 5%, 6% was the average. I saw nothing that was above that.

My problem and one that I find myself in, and I am sincere, I don't know exactly what to do about this, is the span between 7% and 15%. The question was posed of what would happen if they reconstituted the amount of alcohol in a wine cooler and it did go over 7% and the retort was that they were not going to do that, it is too expensive. It would cost them more to do that than it would be worth. There is a part of me that says that is probably right. For this State, they probably would not do that. But, I do remember that before I came into the Legislature, there was a law that was introduced as far as boat taxes were concerned, if you had a motor that was under 10 horse power, you did not have to register your boat. The next year, Evinrude and Johnson came out with a 9.9 horse power motor and started to sell them. When we realized that was what was happening, it was almost 10 horse power, we had to change the boat registration law to cover all boats that had motors on them.

So, they did change before of that and I wonder if the wine industry would change to, for instance, 7.1% alcohol content in order to escape the definition. I don't think it is likely and maybe we could change the law, if they did, in the future. I don't think it is impossible for them to do that because other people have done those sort of things, as I have just told you, such as the outboard motor industry.

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

Senator WHITMORE: Thank you, Mr. President, men and women of the Senate. I appreciate the comments from the Senator from Penobscot, Senator Pearson, and I guess I do not share the same concerns because the decisions that are made here today are not etched in granite. If, in fact, the companies try to circumvent the law by changing the alcohol content, we can come back in another session and correct that problem very quickly. So, I do not have any problem. Initially, I came out and the Committee came out as Majority Ought Not to Pass on that Bill, and having lost that battle, it is now my intention and I agree with the good Senator from Penobscot, Senator Baldacci, it is not my intent to kill the Bill. It is also not my intent to pass a Bill, because we are dealing in unchartered waters, is going to rake everything else in along with it. I think, if we're after wine coolers, I do not have any problem with that. I fought the battle and I lost and I am not afraid to raise my white flag.

Neither am I prepared to sit back and just drag everything along with the Bill that was intended for just wine coolers. Let's pass the Bill and bring the wine coolers in and this will be one more step in the right direction, I guess, in cleaning up the litter. I don't have any problem with that. If we leave it the way it initially was passed, I think we have a problem. Again, I urge you to defeat the pending motion. Thank you.

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

Senator KANY: Mr. President and members of the Senate. I guess I should share with you why I was

alerted to this amendment. Ken McLeod, whom I really enjoy, as we all do, with his wonderful sense of humor and integrity, came to the Legal Affairs Committee last week while we were hearing a bill which would create major changes in our current alcohol law, and he came before the Committee with a definition of wine cooler. I said something to the effect that we will be debating wine coolers as we attempt to expand the Returnable Bottle Bill. Ken said "Oh, I am taking care of that in the Senate." Then he laughed, of course. I thought to myself, we had better watch for any amendments to come forth with this Bill, which would create a new definition of wine coolers, in which it could be a very tight definition. So that is why I looked very carefully at this. It appears to me that wine coolers are really a developing favored beverage. It is very likely that the recipe and the proportion of various ingredients will change. You heard from the good Senator from Penobscot, Senator Pearson, that he had done some research to find the current content of the volume of alcohol in wine coolers. You can see that it is fairly close to the 7%. So it is entirely possible, in fact even likely, that they might increase the alcohol content, at least a little bit, to get it above 7%, which would be defined in this particular amendment. Not only that, but the amendment talks about having more than 15% added ingredients like natural blending materials, fruit juices, etc. You could also see where that particular amount may change. I do urge you to go along with the pending motion and defeat this amendment.

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

Senator BALDACCII: Mr. President, men and women of the Senate. I take tremendous offense in the fact that Senator Whitmore from Androscoggin and Senator Baldacci from Penobscot could not think on their own two feet and require somebody else to come in and all of a sudden come in and pull their strings like a little puppet. The fact of the matter is Senator Whitmore from Androscoggin and myself, alone in a room with the Bureau of Alcoholic Beverages, discussed this issue. We thought about it, we talked about it amongst ourselves and we thought this would be a good idea. We fought the Bill in Committee, we fought the Bill on the floor and we lost. The Legislature wants to do it. I resent the implication that somehow there is ulterior motive, some black shadow in the hall way, out on the floor that wants to some how rain on your party. Well, the fact of the matter is, that we're trying to make the law work. So, you want to do wine coolers. We're the Committee that dealt with the issue, we're familiar with it and we have come up with a definition. I think, and I take tremendous offense to be challenged on technical amendments that are more defined on something that has never, ever been defined in Federal of State statutes, this is the first state in the Nation and we want to do it right. That, I submit to you, may not be perfect.

We may have to come back and make amendments to it. There is no question. But, right now, it is going to serve us very well in the foreseeable future. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KANY of Kennebec to INDEFINITELY POSTPONE Senate Amendment "A" (S-89).

The Chair will order a Division.
Will all those Senator in favor of the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "A" (S-89), please rise in their places and remain standing until counted.

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

3 Senators having voted in the affirmative and 29 Senators having voted in the negative, the motion of Senator KANY of Kennebec to INDEFINITELY POSTPONE Senate Amendment "A" (S-89), FAILED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-89) ADOPTED.

On motion by Senator WEBSTER of Franklin, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "C" (S-91).

Senator TWITCHELL of Oxford requested a Division.

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

Senator WEBSTER: Mr. President and members of the Senate. I would like to your attention what this amendment did. I was a little disappointed that it passed so quickly without debate. This body can decide through a division what they want to do and what this amendment does. Simply, we are going to be with the adoption of Senate Amendment "C", and what we have already done, and I hope you reconsider so we can defeat this, we are going to require that wine coolers have a 2 1/2 cent returnable charge. Currently, Maine law says only 2 cents. It seems to me that we have dealt with this issue before. I was here in the last session and we debated as to whether we should be increasing the handling fee at that time on returnable bottles. Now, we are talking about giving wine coolers an additional charge, different than any other returnable container. I would argue that everyone should be treated equally and it makes sense that if we are going to have a charge of 2 1/2 cents, then it should be uniform. I would suggest that you should support my motion to reconsider and then we can vote to defeat the amendment, as presented. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you, Mr. President and members of the Senate. All this amendment does is establish a handling fee of 1/2 cent on all wine cooler containers. In the year of 1986, we sold approximately 200,000 cases and in 1987 we anticipate maybe selling over 300,000 cases. I have been in the grocery business for a long time and I have handled returnable bottles and cans and I want to tell you it is a mess. Not only do you have dirty cans and bottles but you have other peoples' garbage. I had never had an ant, a roach or a mouse in my store until I started taking returnable bottles. Then I had to hire an exterminator to come and he came once every month and I had to sign a contract for 6 months and he sprays my store. It is costly. This 1/2 cent is not going to kill anybody. It takes time to separate these bottles. It is a messy job. You have to hire a part-time kid, in some cases. You may have to add on to your store. Space is cramped and you may have to add on a little bit to your building. I just don't think that 1/2 cent is going to kill anybody. I hope you will vote against the good Senator from Franklin, Senator Webster's motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to RECONSIDER whereby Senate Amendment "C" (S-91) was ADOPTED.

A Division has been requested.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to RECONSIDER ADOPTION of Senate Amendment "C" (S-91), please rise in their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator WEBSTER of Franklin to RECONSIDER whereby Senate Amendment "C" (S-91) was ADOPTED, PREVAILED.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford to ADOPT Senate Amendment "C" (S-91).

Senator WEBSTER of Franklin requested a Division.

Will all those Senators in favor of ADOPTION of Senate Amendment "C" (S-91), please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator TWITCHELL of Oxford to ADOPT Senate Amendment "C" (S-91), FAILED.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator TUTTLE of York, RECESSED until 4:45 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

Resolve, Creating a Watershed District Commission
S.P. 261 L.D. 742
(C "A" S-65)

In Senate, May 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65) AS AMENDED BY HOUSE AMENDMENT "A" (H-180), thereto in NON-CONCURRENCE.

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

Non-concurrent Matter

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

H.P. 792 L.D. 1064

(C "A" H-147)

In Senate, May 21, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147) AS AMENDED BY HOUSE AMENDMENT "A" (H-179), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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

S.P. 464 L.D. 1421

In Senate, May 21, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-177) in NON-CONCURRENCE.

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

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 House, May 21, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-162) in NON-CONCURRENCE.

In Senate, May 21, 1987, ADHERED TO PASSAGE TO BE ENGROSSED.

In House, May 22, 1987, that Body RECEDED and CONCURRED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-181) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Clarify Existing Federal Compensation and Care as the Primary Resource to an Injured Service Member before Seeking Benefits under the Workers' Compensation Act"

H.P. 1096 L.D. 1487

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 HUMAN RESOURCES on Bill "An Act to Extend the Period for Filing Birth Records"

H.P. 1045 L.D. 1408

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 HUMAN RESOURCES on Bill "An Act to Authorize Evaluation of Vital Statistics"

H.P. 1088 L.D. 1479

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 HUMAN RESOURCES on Bill "An Act to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews"

H.P. 1089 L.D. 1480

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 HUMAN RESOURCES on Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982"

H.P. 1165 L.D. 1591

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 Clarify Abrogation of Confidentiality of Communicable Disease Information for Child and Adult Protection Purposes"

H.P. 1090 L.D. 1481

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 TAXATION on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1112 L.D. 1506

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Clarify the Taking of Property by the Department of Transportation"

H.P. 1047 L.D. 1410

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 BANKING AND INSURANCE on Bill "An Act to Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request"

H.P. 1024 L.D. 1382

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-174) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Eliminate Reference to 'Standard Premium' in the Workers' Compensation Self-Insurance Laws"

H.P. 1123 L.D. 1526

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-175) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Residency of Candidates 3 Months Before Filing Deadline

H.P. 427 L.D. 572

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-178) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title The Committee on UTILITIES on Bill "An Act to Repeal the Electric Fuel Adjustment Clause Law"

H.P. 64 L.D. 67

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Modify the Electric Fuel Clause"

H.P. 1225 L.D. 1672

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-182).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-182) READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF HOUSE AMENDMENT "A" (H-182).

Senate

Leave to Withdraw

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

Bill "An Act Relating to Electric Rate Design for Residential, Commercial and Industrial Classes"

S.P. 394 L.D. 1213

SECOND READERS

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

House

Bill "An Act to Improve the Assessment of Floods, Droughts, Ground Water Contamination, Stream Water Quality and Hydropower Potential in this State"

H.P. 612 L.D. 830

Bill "An Act Concerning the Authority of the Attorney General to Request Telephone Records"

H.P. 1068 L.D. 1451

Bill "An Act Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage"

H.P. 1124 L.D. 1527

Bill "An Act to Provide Substance Abuse Treatment to Youths at the Maine Youth Center"

H.P. 1220 L.D. 1663

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

Bill "An Act Concerning Mental Stress Claims Under the Workers' Compensation Act"

H.P. 1223 L.D. 1668

Which was READ A SECOND TIME.

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

Bill "An Act to Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors"

H.P. 1224 L.D. 1669

Which was READ A SECOND TIME.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-96) READ.

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

Senator KANY: Thank you Mr. President and members of the Senate. This amendment simply corrects the title to accurately reflect the substance of the Bill.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-96) ADOPTED.

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

Sent down for concurrence.

House As Amended

Resolve, to Provide Funds for the Maine Partners of the Americas, Inc.

H.P. 425 L.D. 570

(C "A" H-171)

Resolve, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens

H.P. 760 L.D. 1023

(C "A" H-168)

Bill "An Act Establishing the Commission to Study the Impact of Game and Nongame Species on Maine's Economy"

H.P. 1219 L.D. 1662

(H "A" H-173)

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

Senate

Bill "An Act to Ensure Accessibility to Mental Health Services for Deaf Persons"

S.P. 351 L.D. 1043

Which was 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 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)

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

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

H.P. 1106 L.D. 1498

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

S.P. 541 L.D. 1636

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

S.P. 542 L.D. 1639

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

H.P. 1202 L.D. 1640

An Act to Simplify the Method of Enforcing Health Benefit Liens

H.P. 1203 L.D. 1641

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

H.P. 1204 L.D. 1642

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

H.P. 1205 L.D. 1643

An Act Relating to Qualifications for a Hotel Liquor License

S.P. 543 L.D. 1645

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 Providing Additional Higher Education Opportunities for Maine Students

S.P. 143 L.D. 397
(C "A" S-76)

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

An Act to Amend the Maine Tort Claims Act

H.P. 682 L.D. 923
(H "A" H-158)

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

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

H.P. 1173 L.D. 1599

On motion by Senator USHER of Cumberland, 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-93) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator USHER: Thank you Mr. President and members of the Senate. What I did was put a fiscal note on this Bill, which was needed.

On further motion by same Senator, Senate Amendment "A" (S-93) ADOPTED.

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

Sent down for concurrence.

Emergency

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989

H.P. 373 L.D. 494

On motion by Senator DOW of Kennebec, placed on the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

Emergency

An Act to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State

S.P. 422 L.D. 1302

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

Emergency

An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits

H.P. 1066 L.D. 1449

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

Emergency

An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1987

S.P. 482 L.D. 1459

On motion by Senator DOW of Kennebec, placed on the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Clarify Municipal Liability for Certain Vehicular Accidents"

S.P. 141 L.D. 395

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Department of Conservation Laws"

S.P. 452 L.D. 1379

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-98).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-98) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BLACK for the Committee on JUDICIARY on Bill "An Act to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office"

S.P. 437 L.D. 1317

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-99).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-99) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

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

H.P. 1201 L.D. 1638

Tabled - May 27, 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, in concurrence.

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

Bill "An Act Concerning the Maine Railroad Excise Tax"

H.P. 531 L.D. 715

(C "A" H-140)

Tabled - May 27, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

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

(In Senate, May 21, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140) in NON-CONCURRENCE.)

(In House, May 26, 1987, that Body INSISTED.)

On motion by Senator TWITCHELL of Oxford, the Senate RECEDED and CONCURRED.

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

Resolve, Creating a Watershed District Commission

S.P. 261 L.D. 742

(C "A" S-65)

Tabled - May 27, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65).)

(In House, May 27, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65) AS AMENDED BY HOUSE AMENDMENT "A" (H-180), thereto in NON-CONCURRENCE.)

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

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

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

S.P. 464 L.D. 1421

Tabled - May 27, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

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

(In House, May 27, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-177) in NON-CONCURRENCE.)

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

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

HOUSE REPORT - from the Committee on UTILITIES on Bill "An Act to Repeal the Electric Fuel Adjustment Clause Law"

H.P. 64 L.D. 67

Report - Ought to Pass in New Draft under New Title

Tabled - May 27, 1987, by Senator CLARK of Cumberland.

Pending - ADOPTION OF HOUSE AMENDMENT "A" (H-182)

(In House, May 26, 1987, the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-182).)

(In Senate, May 27, 1987, Report READ and ACCEPTED and the Bill IN NEW DRAFT under NEW TITLE READ ONCE. House Amendment "A" (H-182) READ.)

House Amendment "A" (H-182) ADOPTED, in concurrence.

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

Off Record Remarks

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

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. After several seasons and many efforts a lot of toil and sweat along with some tears, the Indian Beano Bill was passed today. In the other Body, it was 135-5 and in here it was under the hammer. It is my intention to tell you, members of the Senate, how much we appreciate what you have

done. Representative Attean would like to meet with each and everyone of you to thank you personally, as you leave the Chamber this afternoon, to tell you how much excitement that has caused at home. She left the Chamber, a few minutes ago, to call the police on the island to tell the people.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Thursday, May 28, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
76th Legislative Day
Thursday, May 28, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Carolyn Hofacker, First Congregational Church, Kittery Point.

The Journal of Wednesday, May 27, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act Relating to Electric Rate Design for Residential, Commercial and Industrial Classes" (S.P. 394) (L.D. 1213)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify Municipal Liability for Certain Vehicular Accidents" (S.P. 141) (L.D. 395)

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

Non-Concurrent Matter

Bill "An Act to Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors" (H.P. 1224) (L.D. 1669) which was passed to be engrossed in the House on May 26, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-96) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Exempt Liquid Asphalt from the Ground Water Oil Clean-up Fee (H.P. 1173) (L.D. 1599) which was passed to be enacted in the House on May 27, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-93) in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Clarify the Site Location Law" (H.P. 188) (L.D. 232) reporting "Ought to Pass" in New Draft (H.P. 1231) (L.D. 1681)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative RIDLEY from the Committee on Energy and Natural Resources on Bill "An Act Relating to Owners and Operators of Biomass Burners" (H.P. 790) (L.D. 1062) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Ensure Sound Forest Management of Biomass Fuel Wood Harvesting Operations" (H.P. 1230) (L.D. 1680)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.