

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

On motion of Representative Boutilier of Lewiston,
Adjourned until Wednesday, June 3, 1987, at nine
o'clock in the morning.

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

In Senate Chamber
Tuesday
June 2, 1987

Senate called to Order by the President.

Prayer by Father John Fortin, O.S.B. of the St. Anselm College in Manchester, New Hampshire.

FATHER FORTIN: In the name of the all holy God. Heavenly Father, guide the course of all creation, leading all that You have made to completion and perfection. You have bestowed upon us, Your servants, the powers of intellect and will, of mind and heart, that we might know Your wise design and love You for Your goodness. That we might discern Your purpose and the way of truth and peace. Guide the deliberations of this assembly with firm purpose and strong resolve. May they fashion laws in conformity with Your higher law. May they strive to bring justice and peace to all. May they hear the cry of the poor. May they honor and respect all human life and give to all people their due rights. May they, themselves, in serving the people of this State and in fulfilling their roles of office, be rewarded with even deeper understanding of Your ways, which are ever true, good, beautiful and holy. Where ever they may be and what ever they may be doing, their minds and hearts will look to You, the Lord and Protector of all. We make this prayer in Your name, oh Lord, our saving God. Amen.

Reading of the Journal of Yesterday.

SENATE PAPERS

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 576 L.D. 1717

Presented by Senator BRANNIGAN of Cumberland

Cosponsored by: Representative PARADIS of Augusta
Which was referred to the Committee on JUDICIARY
and ORDERED PRINTED.

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Extend and Strengthen the State's
Mandatory Shoreland Zoning Laws"

H.P. 1187 L.D. 1617

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 Amend the Certificate of Need
Process with Respect to Nursing Homes to Increase the
Threshold for Review with Respect to Capital
Expenditures and to Provide an Inflation Adjustment
to the Maximum Expenditure Authorized"

H.P. 165 L.D. 206

Bill "An Act to Protect Consumers who Join Health
Spas"

H.P. 901 L.D. 1202

Ought to Pass

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

H.P. 1200 L.D. 1635

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 to Clarify the Requirements for the Payment of Insurance Claims"

H.P. 1159 L.D. 1585

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 AGRICULTURE on Bill "An Act to Continue on an Annual Basis the Registration Fee Charged to Pesticide Manufacturers and Other Registrants in 1987"

H.P. 1162 L.D. 1588

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-213).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-213) READ and ADOPTED, in concurrence.

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

The Committee on UTILITIES on Bill "An Act to Extend the Boundaries of the Presque Isle Sewer District and the Presque Isle Water District"

H.P. 952 L.D. 1281

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-214).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-214)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-214) READ and ADOPTED, in concurrence.

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

Ought to Pass in New Draft under New Title

The Committee on MARINE RESOURCES on Bill "An Act to Repeal the Sardine Inspection Tax"

H.P. 21 L.D. 21

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Sardine Tax" (Emergency)

H.P. 1253 L.D. 1711

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on MARINE RESOURCES on Bill "An Act to Encourage Sport Fisheries on the Lower Kennebec and Androscoggin Rivers"

H.P. 937 L.D. 1253

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Regulate Freshwater Fisheries in Coastal Waters"

H.P. 1252 L.D. 1710

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 LABOR on Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes"

H.P. 623 L.D. 842

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

H.P. 1238 L.D. 1690

Signed:

Senators:

DUTREMBLE of York
ANDREWS of Cumberland

Representatives:

MCHENRY of Madawaska
JOSEPH of Waterville
RUHLIN of Brewer
RAND of Portland
TAMMARO of Baileyville
HALE of Sanford

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

Signed:

Senator:

COLLINS of Aroostook

Representatives:

ZIRNKILTON of Mount Desert
WILLEY of Hampden
HEPBURN of Skowhegan
BEGLEY of Waldoboro

Comes from the House the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-211).

Which Reports were READ.

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

Senate
Leave to Withdraw

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

Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency)

S.P. 83 L.D. 169

Bill "An Act to Prevent Inappropriate Institutionalization of Mentally and Physically Handicapped Persons"

S.P. 111 L.D. 284

Bill "An Act to Provide Funds for Living in the Community Program for the Chronically Mentally Disabled"

S.P. 124 L.D. 329

Bill "An Act to Provide for Elderly Mental Health Services Specialists"

S.P. 152 L.D. 406

Bill "An Act to Allow Use of the Bureau of Mental Retardation Contingency Fund by Boarding Home and Foster Home Clients"

S.P. 185 L.D. 512

Bill "An Act Maintaining Community Services for Emotionally Disturbed Children and Adolescents"

S.P. 230 L.D. 624

Bill "An Act to Provide Support for the Bridge Shelter, a Home for the Mentally Ill"

S.P. 270 L.D. 751

Resolve, to Require the Finance Authority of Maine in Conjunction with the Department of Environmental Protection to Devise a Plan to Financially Assist Small Filling Station Operators and Owners to Modernize their Fuel Storage Facilities

S.P. 318 L.D. 920

Bill "An Act to Increase the Availability of Boarding Homes and Adult Foster Homes for Persons with Mental Retardation"

S.P. 364 L.D. 1099

Bill "An Act to Consolidate Economic and Community Development Activities"

S.P. 491 L.D. 1495

Ought to Pass

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act to Clarify the Powers of Arrest of a Probation and Parole Officer"

S.P. 530 L.D. 1582

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

Ought to Pass As Amended

Senator BALDACCI for the Committee on BUSINESS LEGISLATION on Bill "An Act Making Changes to the Dietitian Registration Act"

S.P. 169 L.D. 473

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-112).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-112) READ and ADOPTED.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act to Ensure that the General Public does not have Access to Licensed Games of Chance"

S.P. 525 L.D. 1577

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-113).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-113) READ and ADOPTED.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator ERWIN for the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Revise and Update Certain Fish and Wildlife Laws"

S.P. 508 L.D. 1532

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

S.P. 581 L.D. 1724

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Laws Relating to Community Living Arrangements"

S.P. 153 L.D. 450

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

S.P. 580 L.D. 1723

Which Report was READ and ACCEPTED.

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

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety"

S.P. 68 L.D. 135

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Authorize the State Bureau of Identification to Charge Nongovernmental Agencies for Services and to Provide for the Computerization of Records"

S.P. 579 L.D. 1722

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator CLARK of Cumberland, RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

Off Record Remarks

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Require Registration of Persons Proposing to Distribute Free Tobacco Products"

S.P. 218 L.D. 585

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot
WHITMORE of Androscoggin

Representatives:

ALLEN of Washington
REED of Falmouth
LEBOWITZ of Bangor
TELOW of Lewiston
STEVENS of Sabattus

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-114).

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

HILLOCK of Gorham
RACINE of Biddeford
GURNEY of Portland
ALIBERTI of Lewiston

(Representative SHELTRA of Biddeford Abstained)

Which Reports were READ.

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

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-116).

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

MICHAUD of East Millinocket
JACQUES of Waterville
MITCHELL of Freeport
COLES of Harpswell
HOLLOWAY of Edgecomb
HOGLUND of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-117).

Signed:

Senators:

USHER of Cumberland
TUTTLE of York

Representatives:

RIDLEY of Shapleigh
DEXTER of Kingfield
LORD of Waterboro
ANDERSON of Woodland

Which Reports were READ.

Senator USHER of Cumberland moved ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117) Report.

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

Senator LUDWIG: As the Senator on the Committee of Energy and Natural Resources in the Majority Report, I would urge you to accept our recommendation with Committee Amendment "A" (S-116).

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117) Report.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117) Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "B" (S-117) READ and ADOPTED.

The Bill as Amended LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Require that Job Classifications and Specifications be Determined by Collective Bargaining"

H.P. 1236 L.D. 1688

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

Bill "An Act to Encourage Investment in the Development of Potato Varieties"

H.P. 678 L.D. 911
(C "A" H-183)

Which was READ A SECOND TIME.

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

Senate

Bill "An Act Authorizing Restitution in Civil Penalty Actions"

S.P. 323 L.D. 951

Bill "An Act to Extend the Sunset Provision of the Maine Revised Statutes, Title 5, section 17004"

S.P. 498 L.D. 1515

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Giving the State Fire Marshal, Deputy and Inspectors Full Law Enforcement Powers"

S.P. 307 L.D. 886
(C "A" S-109)

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

Sent down for concurrence.

ENACTORS

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

An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers

S.P. 522 L.D. 1637
(S "A" S-77)

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

An Act to Extend Maine's Bottle Bill

H.P. 662 L.D. 895
(S "A" S-89; S "E" S-94)

Senator TWITCHELL of Oxford moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

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

Senator LUDWIG: Thank you, Mr. President and members of the Senate. I would hope you would defeat the pending motion. I would respectfully remind you that this Bill was first presented without amendment and received overwhelming support from the other Body and respectable support, a majority from the Senate. In subsequent maneuvering, from those responsible for contributing to our solid waste problem, the Senate added 2 amendments to which the House Receded and Concurred. This was a major compromise. At this late date, it would seem counter-productive and indeed, against the wishes of the Majority to weaken

a Bill which would encourage recycling, increase the life span of our municipal landfills and greatly reduce the waste stream which hastens their closure.

L.D. 895 does not need additional amendments. I urge you to vote in the best interest of your constituents in defeating this last attempt to defeat a measure which was designed to help with the increasing problem with solid waste disposal. Thank you.

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

Senator TWITCHELL: Mr. President and members of the Senate. Something that we do well here is that we mandate. We're always mandating and that is just what we're doing today. We're mandating that the little Mom and Pop stores and the redemption centers have to take these wine cooler containers. They will not receive any extra compensation for them.

My redemption center in Norway, the rent has gone up, the light bill has gone up, the phone bill has gone up, the liability insurance has gone up and yet, they do not receive any extra money. I put an amendment in for an additional 1/2 cent increase on these bottles and that was killed. So, I would hope that you would support my motion for Indefinite Postponement. Thank you.

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

Senator BALDACCII: Mr. President and members of the Senate. We have been through the debate and I think the good Senator from Aroostook, Senator Ludwig is very accurate and very appropriate in her comments about the Bill and the amendments that are attached and the condition that it is in at this point. I think that for us, at this time, to kill this Bill, would be an attempt to derail the process. It is going forward, it is a small, small step as far as litter and it is picking and choosing litter, but it is a decision that the Legislature has made and I think it is only appropriate that we go forward. I will be voting against the motion to Indefinitely Postpone. Thank you.

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

Senator KANY: Mr. President and fellow Senators. I would like to urge you to vote against the pending measure, remembering that Maine people strongly support it, the bottle bill, at the polls. They definitely were very much in favor of the Returnable Bottle Bill. At that time, wine coolers were not popular, it was before they came into being. As we know now, they are becoming increasingly popular, so they are in definite keeping with the spirit of the Returnable Bottle Bill and yet would not be a great burden for the small stores and the recycling centers. I urge you to defeat the pending motion and Enact this fine Bill.

Senator LUDWIG of Aroostook requested a Division. 3 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

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

ORDERS OF THE DAY

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

Resolve, Creating a Watershed District Commission
S.P. 261 L.D. 742
(H "A" H-180 to C
"A" S-65)

Tabled - June 1, 1987, by Senator CLARK of Cumberland.

Pending - FINAL PASSAGE

(In House, June 1, 1987, FINALLY PASSED.)

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

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

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

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (S-65) as Amended by House Amendment "A" (H-180), thereto was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-118) to Committee Amendment "A" (S-65) READ.

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "A" (S-118) to Committee Amendment "A" (S-65) ADOPTED.

Committee Amendment "A" (S-65) as Amended by House Amendment "A" (H-180) and Senate Amendment "A" (S-118), thereto ADOPTED in NON-CONCURRENCE.

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

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

On motion by Senator GILL of Cumberland and under Suspension of the Rules, all matters previously acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator BUSTIN of Kennebec, RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

An Act to Increase the Minimum Wage
 H.P. 869 L.D. 1170
 (S "A" S-115)

On motion by Senator COLLINS of Aroostook, 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 Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and members of the Senate. Realizing that the issue has been pretty well discussed and debated, I realize the way the process works and the feelings of the Executive Branch.

I would like to think there would be an opportunity to get together and to increase the data base of the experience in the past 3 years and hopefully we can handle this in a very constructive fashion so something good can be done for the people at the lower end. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of Enactment.

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, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, USHER, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senators BRAWN

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED:

An Act to Increase the Minimum Wage
 H.P. 869 L.D. 1170
 (S "A" S-115)

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Mr. President. I would like to pose an inquiry to the Chair. This Bill has a fiscal note attached so consequently should go on the Appropriations Table. I am trying to figure out what status it is in to send it to the Table. I am a little confused.

THE PRESIDENT: The Chair would answer that the pending status is Enactment.

Senator PEARSON of Penobscot moved the Bill be placed on the SPECIAL APPROPRIATIONS TABLE.

Senator WEBSTER of Franklin requested a Roll Call. Less than one-fifth having risen, a Roll Call is not in ordered.

Senate at Ease

Senate called to order by the President.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending the motion of

Senator PEARSON of Penobscot that the Bill be placed on the SPECIAL APPROPRIATIONS TABLE.

On motion by Senator CLARK of Cumberland, RECESSED until 3:00 this afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Create the Maine Health Policy Council"

H.P. 496 L.D. 666

(C "A" H-206)

In Senate, May 29, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206) AND HOUSE AMENDMENT "A" (H-219) in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Clarify the Department of Conservation Laws"

S.P. 452 L.D. 1379

(C "A" S-98)

In Senate, May 28, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98) AS AMENDED BY HOUSE AMENDMENT "A" (H-220), thereto in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Require that Drunk Drivers Reimburse Town Enforcement Agencies for Responding to Accidents"

H.P. 521 L.D. 701

Bill "An Act to Provide Handicapped Plates for Motorcycles"

H.P. 759 L.D. 1022

Bill "An Act to Establish the Community Agency Wage Parity Fund"

H.P. 911 L.D. 1223

Bill "An Act Concerning Reconstructed and Rebuilt Motor Vehicles"

H.P. 1108 L.D. 1502

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

COMMITTEE REPORTS

House

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 Provide for the Appointment of the Executive Director of the Maine Health Care Finance Commission by the Governor"

H.P. 166 L.D. 207

Bill "An Act to Encourage Industrial Product Development in the State"

H.P. 197 L.D. 249

Bill "An Act to Regulate Continuing Care Retirement Communities"

H.P. 379 L.D. 500

Bill "An Act to Provide Reasonable Financial Requirements for Hospitals"

H.P. 411 L.D. 545

Bill "An Act to Exempt Border Hospitals from Maine Health Care Finance Commission's Purview"

H.P. 426 L.D. 571

Bill "An Act to Exempt Gifts or Grants to Hospitals not in the Base Year"

H.P. 437 L.D. 590

Bill "An Act to Establish Cardiopulmonary Resuscitation Education in High Schools"

H.P. 560 L.D. 758

Bill "An Act to Provide for the Education of Students Residing in Long-term Drug Treatment Centers" (Emergency)

H.P. 595 L.D. 806

Bill "An Act to Eliminate Profits in Criminal Activities"

H.P. 609 L.D. 827

Bill "An Act to Enhance Economic Development through Promotion of Film-making in Maine"

H.P. 761 L.D. 1024

Bill "An Act to Require the Health Care Finance Commission to Use Generally Accepted Accounting Principles"

H.P. 769 L.D. 1032

Bill "An Act to Require the Maine Health Care Finance Commission to Pay the Full Cost of Bad Debts"

H.P. 770 L.D. 1033

Bill "An Act to Provide Funding for Job Training to Support Development Efforts"

H.P. 891 L.D. 1192

Bill "An Act Relating to the Enhancement and Preservation of Marine Resources"

H.P. 903 L.D. 1205

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing Municipalities with Opportunity Zones to Authorize Selective Tax Exemptions to New or Expanded Businesses within the Zone

H.P. 1035 L.D. 1393

Bill "An Act to Assure the Reporting of Communicable Diseases by Hospitals to Emergency Medical Services Personnel"

H.P. 1076 L.D. 1463

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

Bill "An Act to Require an Independent Determination of the Fitness of an Applicant to Provide Long-term Care Services"

S.P. 148 L.D. 402

Bill "An Act to Permit the Maine Health Care Finance Commission to Consider the Special Needs and Circumstances of Hospitals which Serve Special Population Groups and to Permit Establishment of Community Pools for Free Care"

S.P. 312 L.D. 914

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

SECOND READERS

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

House

Bill "An Act to Clarify the Requirements for the Payment of Insurance Claims"

H.P. 1159 L.D. 1585

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

H.P. 1200 L.D. 1635

Bill "An Act to Regulate Freshwater Fisheries in Coastal Waters"

H.P. 1252 L.D. 1710

Bill "An Act to Amend the Sardine Tax" (Emergency)

H.P. 1253 L.D. 1711

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

House As Amended

Bill "An Act to Extend the Boundaries of the Presque Isle Sewer District and the Presque Isle Water District"

H.P. 952 L.D. 1281
(C "A" H-214)

Bill "An Act to Continue on an Annual Basis the Registration Fee Charged to Pesticide Manufacturers and Other Registrants in 1987"

H.P. 1162 L.D. 1588
(C "A" H-213)

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

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

SECOND READERS

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

Senate

Bill "An Act to Clarify the Powers of Arrest of a Probation and Parole Officer"

S.P. 530 L.D. 1582

Bill "An Act to Authorize the State Bureau of Identification to Charge Nongovernmental Agencies for Services and to Provide for the Computerization of Records"

S.P. 579 L.D. 1722

Bill "An Act to Amend the Laws Relating to Community Living Arrangements"

S.P. 580 L.D. 1723

Bill "An Act to Revise and Update Certain Fish and Wildlife Laws"

S.P. 581 L.D. 1724

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

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

Senate As Amended

Bill "An Act Making Changes to the Dietitian Registration Act"

S.P. 169 L.D. 473
(C "A" S-112)

Resolve, Authorizing the Sale of Certain Public Reserved Lands

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S.P. 480 L.D. 1443
(C "B" S-117)
Bill "An Act to Ensure that the General Public
does not have Access to Licensed Games of Chance"

S.P. 525 L.D. 1577
(C "A" S-113)
Which were READ A SECOND TIME and PASSED TO BE
ENGROSSED, as Amended.

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

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

ENACTORS

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

An Act to Establish the Lubec Port Authority
H.P. 412 L.D. 546
(H "A" H-207 to H
"A" H-153)

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

S.P. 351 L.D. 1043

An Act to Allow the Employment of Part-time
Superintendents of Schools

H.P. 964 L.D. 1293
(C "A" H-191)

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
(C "A" S-99)

An Act Concerning Mussel Harvesting

H.P. 979 L.D. 1326
(C "A" H-187)

An Act Allowing Restricted Disclosure of HTLV III
Test Results within a Federally-mandated Military
Testing Program

H.P. 1128 L.D. 1538

An Act Amending the Assumed Payroll of
Partnerships and Sole Proprietors in a Self-insured
Group

H.P. 1130 L.D. 1540

An Act to Make Consistent the Federal Veterans'
Reemployment Law

H.P. 1136 L.D. 1546
(H "A" H-196; C "A"
H-190)

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

H.P. 1201 L.D. 1638
(S "B" S-101)

An Act Relating to the Term of Air Emission
Licenses

H.P. 1226 L.D. 1675

An Act Concerning the Reporting of Political
Advertising Provided under the Fairness Doctrine"

H.P. 1228 L.D. 1677

An Act to Ensure Sound Forest Management of
Biomass Fuel Wood Harvesting Operations

H.P. 1230 L.D. 1680

An Act to Clarify the Site Location Law

H.P. 1231 L.D. 1681

An Act to Establish a School Bus Safety and
Driver Training Program

H.P. 1233 L.D. 1683

An Act to Revise Reporting Procedures Related to
Criminal History Record Information

S.P. 563 L.D. 1684

An Act to Remove Statutory Protection for Those
Who Sexually Assault Voluntary Social Companions

H.P. 1241 L.D. 1693

An Act Relating to Supplemental Assessments under
the Taxation Laws

H.P. 1242 L.D. 1694

An Act Relating to Penalties for Failure to Make
Prompt Payment of Workers' Compensation Benefits

H.P. 1243 L.D. 1695

An Act Concerning Unfair Claims Practices

H.P. 1244 L.D. 1696

An Act to Require an Insurance Agent or Broker to
be Located at each Place of Business

H.P. 1245 L.D. 1697

An Act Requiring that Certain Health Insurance
Plans Provide for Cardiac Rehabilitation Expenses

H.P. 1246 L.D. 1698

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

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

H.P. 847 L.D. 1138
(C "A" H-193)

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

An Act to Implement Project ASPIRE for High
School Students in the State

H.P. 897 L.D. 1198
(C "A" H-192)

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

An Act Relating to Private Citizens being
Reimbursed by Local Police Departments in Certain
Prosecutions

H.P. 1026 L.D. 1384
(C "A" H-202)

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

An Act to Implement the Recommendations of the
Social Services Transportation Review Committee

H.P. 1039 L.D. 1397
(C "A" H-204)

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

An Act to Amend the State Funding of Pollution
Abatement Projects

H.P. 1093 L.D. 1484
(C "A" H-186)

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

An Act to Appropriate Funds for New and Existing
Services Relating to Teen Pregnancy

H.P. 1232 L.D. 1682

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

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

H.P. 270 L.D. 353
(H "A" H-197 to C
"A" H-151; S "B"
S-88)

Senator WEBSTER of Franklin requested a Division. 24 Senators having voted in the affirmative and 9 Senators having voted in the negative, the Bill 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 Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years ending June 30, 1988, and June 30, 1989"

H.P. 504 L.D. 677
(H "A" H-195 to C
"A" H-185)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 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 Relating to the Membership of the Atlantic Sea Run Salmon Commission

H.P. 999 L.D. 1345
(S "A" S-97)

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

Emergency

An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages"

H.P. 1206 L.D. 1644
(H "A" H-205 to S
"A" S-83)

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

Emergency Resolve

Resolve, for the Public Utilities Commission to Study the Allocation of Water Supply Rights

H.P. 1229 L.D. 1678

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$26,500,000 to Match Available Federal Funds for Highway, Bridge and

Airport Improvements and to Reduce Ground Water Pollution Resulting from the Storage of State and Municipally-owned Highway Materials

H.P. 1038 L.D. 1396
(C "A" H-203)

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

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

COMMITTEE REPORTS

Senate
Ought to Pass

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Law Concerning Activation of State Military Forces by the Governor in Human Health Emergencies"

S.P. 492 L.D. 1500

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

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify Capital Reimbursements"

S.P. 515 L.D. 1558

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

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

COMMITTEE REPORTS

Senate
Ought to Pass As Amended

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Maintain Lifeguard Services in State Government"

S.P. 415 L.D. 1273

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-119).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-119) READ and ADOPTED.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

On motion by Senator PERKINS of Hancock, RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on BUSINESS LEGISLATION on Bill "An Act to Require Registration of Persons Proposing to Distribute Free Tobacco Products"

S.P. 218 L.D. 585

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-114).

Tabled - June 2, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT
(In Senate, June 2, 1987, Reports READ.)

Senator WHITMORE of Androscoggin moved ACCEPTANCE of the Majority OUGHT NOT TO PASS Report.

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

Senator BRANNIGAN: Thank you, Mr. President and members of the Senate. I would urge you not to accept the this report. This Bill would just require those who are going to do promotions of tobacco products to register with the State, so the State will know where this kind of activity is going on. The reason I signed on the other side of this issue from our Senate Chair, the good Senator from Androscoggin, is I feel that registration in certain instances with State government works to keep things in control. At the present time, there is not a great deal of activity, although there is some activity in the promotion of tobacco products, sporting events and other kinds of events in this State. We just don't know where they go on and there are certain areas where they should not go on. It is believed that as advertising and the huge amounts of money and the huge efforts that tobacco companies to advertise, that is being curtailed a bit, by law. So, it is believed that promotions of this type, where people are given free cigarettes, free coupons, are going to be on the rise. If it is, we ought to know about it. We have other types of registrations in this State, those dealing with itinerate venders, for example, and in the Business Committee, we have watched that law for many years and it has worked well.

We just passed a Bill. We are in the process of passing a Bill that attacks and deals with individuals who smoke. There seems to be something wrong when we take charge or try to take charge of companies who are promoting smoking. I think this Bill, which deals only with companies and their practices is a good Bill and can do the work we need to do. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAWN: Thank you, Mr. President. Men and women of the Senate. I rise to also urge you to accept the Minority Report. This is not a proposal to ban free distribution of tobacco products. I simply requires people to register with the Bureau of Health when they distribute. This is similar to an itinerant vender license and will allow communities to monitor to the distribution to ensure that no laws are broken, especially distribution to minors. Tobacco is a unique product which contains a highly addictive drug, nicotine. Giving out samples of tobacco products is not the same as distributing candy bars or free new sodas. Aside from the absence of an addictive drug, neither candy or soda are illegal to distribute to children.

Registration will allow parents and communities to know where and when free tobacco sampling will occur. It will allow State agencies to know who is responsible in the event of distribution to minors. The tobacco industry is moving quickly on a nationwide basis to increase all forms of tobacco promotion. We have an opportunity in Maine, to monitor this situation before it becomes widespread. I urge you to vote to accept the Minority Report and would request a Division.

Senator BRAWN of Knox requested a Division.

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

Senator WHITMORE: Thank you, Mr. President and men and women of the Senate. This Bill, L.D. 585, does as the good Senator from Cumberland, Senator Brannigan made reference to. It is a registration bill and taking directly from the Statement of Fact: "This Bill is designed to give the State, through the Bureau of Health, a method of acquiring information for the free distribution that is going on in the State of Maine without prohibiting it." I think that is the nuts and bolts of the issue. In the Committee session, we received some correspondence that I think had a lot to do with the initial outcome of the Bill was. The Bill came out, at the time, although it was before the jackets were signed, with an unanimous Ought Not to Pass with the Committee members present. Some place in the past 2 or 3 days, there apparently has been some discussions that have caused a divided jacket to be signed. I would like to indulge a few minutes of your time to read from a couple of documents that the Committee received, and which was the basis of the Ought Not to Pass Majority Report. The first one is from The Smokers Tobacco Council and I will just pick out parts rather than go through the whole letter with you. It is a three page letter. "The members of the Smokers Tobacco Council believe that the use of smokeless tobacco is, and should remain an adult custom. They absolutely do not direct their marketing efforts to youth and to that end members have established the smokeless tobacco industry code. Specific provisions of that code include: smokeless tobacco samples shall be distributed only to persons who are at least 18 years of age, even in states where people younger than 18 may purchase and use tobacco. Persons who appear to be under 18 years of age shall be required to furnish proof of age. No sampling shall be conducted within 2 blocks of any premises identified as being used primarily for youth activities, such as schools or organized youth centers, at such times when premises are being used for their primary purpose. Sample products shall be kept secure and under control at all times so that the samples can not be obtained by persons under 18 years of age. No unsolicited samples shall be sent through the mails. All sampling activity shall be conducted in compliance with State and local laws and ordinances. All persons conducting sampling activities shall be furnished copies of this code and shall agree to comply with its terms. All persons conducting sampling activities shall be at least 18 years of age. Persons found to be violating any provision of this code, shall immediately removed from the sampling activities and disciplined.

Specifically, this code obviously operates to further our shared objectives of eliminating sampling to those under 18. Member companies of the Smokeless Tobacco Institute have agreed that they would share the sampling activity information specifically on or about January 1st and July 1st of each year. Tobacco manufacturers would provide a report of their sampling activities for the previous 6 month period to an authorized member of the Government of the State of Maine." That letter signed by Michael Carrigan, President of the Smokeless Tobacco Council. That in fact, combined with another letter from the Tobacco Institute, which states exactly the same thing, that they are more than willing to share with us, in fact they have shared the sampling activity information, is what the Bill is trying to accomplish, yet there is no registration fee. Who would pay the registration fee? The Bill is just vague. Name the persons to be distributing the tobacco products, on page 2 section D: Who is the

person who is going to be distributing? Is that going to be the distributor? Is that the person they hire on an hourly basis to hand the product out? A fifty dollar fine. Who is the fine going to be adjudged to? I felt when I came up here, that I would be passing legislation that could be enforced. When we inquired as to who would enforce this legislation, we got kind of a blank stare, one person said "Well, I think perhaps it would be appropriate that the Liquor Commission enforce it." The Liquor Commission sat there and said that they were short handed now, and we would want them to run around and see who was handing out free cigarettes? There is no fiscal note on this Bill. Yet, there is no man power to do it. I think there is a lot of crime in this State that the law enforcement agencies currently are having a hard enough time keeping up with, without indulging upon the State Police or the State Liquor Enforcement Bureau or anyone else to run around to see who is handing out free cigarettes, especially since the firms that are in control of this are more than willing to share their information, and in fact, already have. That is why I signed, and I am standing here in front of you today, urging you to support the Committee. We have heard all the testimony and we came out with a Majority Ought Not to Pass Report, and I would solicit that you would respond in supporting that Committee's position.

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

Senator GAUVREAU: Thank you, Mr. President, men and women of the Senate. I rise today, in support of the opposition of the parent motion and would urge you to reject the Majority Report's position so we can go on and accept the Minority Report. L.D. 585 is my Bill and I would like to take a few moments of your time to rebut the arguments of my good friend from Androscoggin, Senator Whitmore. Senator Whitmore urges us to defeat this legislation today on the grounds that there is no need for the legislation. Furthermore, he argues that it would be very difficult to enforce this particular legislation. I find that argument somewhat ironic because under current Maine laws, distribution of tobacco products to minors is prohibited, yet we have no effective mechanism under current law, to really enforce our statutes.

L.D. 585 would provide that mechanism. It would require tobacco companies, seeking to distribute tobacco products, to register before hand with the Bureau of Health. By that mechanism, interested parties, such as the Lung Association and other groups which oppose smoking by minors, would be allowed and have an opportunity to monitor the free distribution of tobacco products. It seems to me, without this kind of mechanism, the current law we have in Maine, is very difficult to enforce. When I was considering this legislation, I was struck by the trend over recent years of our young people to use tobacco products. We have found, that as the general public has been more educated on the dangers of associated with the consumption of tobacco products, that older and more educated persons tend not to smoke, or give up smoking. Conversely, younger individuals are a prime target and a prime population for the use of tobacco products. We find that in Maine, 95% of new smokers have become dependent upon the use of tobacco products before they attain their adulthood. Clearly, we're talking about minors who are using tobacco products on a regular basis and forming a dependency on those products.

It seems to me that if the tobacco industry is sincere, as I believe it is, in its desire to limit the focus of its advertising campaign to adults, it

would welcome, rather than oppose a measure such as L.D. 585, which would allow us a mechanism to ensure that in fact, free tobacco products would not be distributed to minors, in violation of State law.

L.D. 585 provides a simple, basic mechanism to enforce current State law. Therefore, I urge you to join with me in opposing the current motion so we can go on to accept the Minority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WHITMORE of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

On motion by Senator GAUVREAU of Androscoggin, 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 Gill.

Senator GILL: Mr. President. Men and women of the Senate. I would like to ask you to vote against the motion of the Senator from Androscoggin, Senator Whitmore. I would like you to look at this report and look positively at it.

He read you a list of things that the smokeless tobacco industry was prepared to do as far as a code of ethics was involved and I think it would be less onerous for them to just register with the State of Maine if they intended to come into the State to distribute their products.

We have talked about the reason for distribution and the reasons for registering for that distribution and I think what we could do is that we would know where people who are going to distribute the product and there are volunteers out there who would be very willing to look at the areas and maybe counteract and let the young people know the hazards of smoking.

I think that should be available. I think the data collection is important too, because we can gather information from the sources and put it to use in the Department of Health in the State of Maine. It is not a severe penalty involved, there is not a severe registration fee involved. We are only talking about a very small amount of money. I think, since the tobacco industry has decided to police itself and recognizes that there are some problems, I do not believe it would be difficult to simply register where they intend to distribute their products in the State of Maine.

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

Senator WHITMORE: Thank you, Mr. President. One of the remarks that was made during the debate that has just taken place with regard to counteracting at the point of distribution so that one could point out the hazard as it relates to smoking, I would like to remind the Senate that the Federal Cigarette Advertising Act explicitly prohibits State and local regulation of cigarette advertising and promotion based upon smoking and health. This provision reads as follows: "No requirement or prohibition based on smoking and health shall be imposed on the State law with respect to the advertising and promotion of any cigarettes in packages which are labeled in conformity with the provisions of this Chapter." I would just point out

to the members of the Senate, that before you act on this Bill, you could be very well setting up a possible legal test of this legislation. I would again urge you that this is not the vehicle. There are others that have come before this Body during this session and we have acted with them accordingly. I again urge that you act with the Majority Ought Not to Pass Report.

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

Senator GAUVREAU: Thank you, Mr. President, men and women of the Senate. I beg your indulgence for just a moment to further this debate to respond to the concern expressed by the Senator from Androscoggin, Senator Whitmore. Senator Whitmore has expressed a point that there may be a possible Federal preemption argument regarding this particular Bill. It is in fact true that under Federal law, that no state is allowed to erect its own particular statutes governing merchandising or marketing of tobacco products. However, L.D. 585 is drafted in such a way as to comply with Federal law. The State has a very clear, in fact a compelling interest to protect the rights and the health of its minors.

L.D. 585 would simply provide a mechanism to ensure that our current State law, prohibiting free distribution of tobacco products to minors, is enforced. It is clear, in my view, that the statute in the Bill is written and is legal. It has addressed the concern of Senator Whitmore. Thank you.

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

Senator BALDACCI: Mr. President and members of the Senate. The Committee, in its deliberations on this particular matter, was trying to work it out so that the Health Bureau and the people that were concerned about the health issue would be able to get the information that they thought was important, to know where free distributions were going on and what the amounts were, and to be able to keep that tally. That was the most important thing in the testimony before the Committee. Also, buffering that, we had Federal statutes that if I may read, which said that "No requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any cigarettes, the packages of which are labeled in conformity with the provisions of this Chapter." That is the United States Code section 13-34B. Basically, we have a Federal preemption and I think the important issue here today is that are we trying to glean information or are we going to pass something that is not enforceable. It was the belief of the Committee and the vote of the Committee that what should be occurring here today, is the fact that we need to have that information and if they are not successful, then we would be able to come back and pass legislation. It was the Committee's feeling that was in the best interest. All that I would ask you today is that I realize that we have a Divided Report, but I think that because of the abnormality of this situation and the personalities involved, that we allow individuals to work together to produce the information. They are going to be producing that in the future. It is going to be submitted to the appropriate people so that they will be aware of what is going on. They have submitted that information. They have shown good faith. Before we pass legislation, before we require a registration fee, that we at least, at least have let that go forward and then if it is necessary, because I do think smoking is bad for you, and we should try to curb it, at least, especially with the Federal legislation and the possibility of a court suit, try to do this first step. If it is not successful then we can try to go forward in realizing that we could have a court situation. I hope you would respect the majority of the Committee in this matter. Thank you.

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

Senator MATTHEWS: Mr. President. I would like to pose a question through the Chair. I am sure that

everybody in this chamber knows how I feel about smoking and health care so I won't belabor that issue. My question is, when the tobacco industry had these promotional charades, not to promote the use of their product, I'm sure, when they do these things, how many teenagers under the age of 18 probably partake in smoking? To lead them on the high road to good health?

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you, Mr. President. There is no question of the concern that we all have. There is no question of the importance of this particular area. The thing that has to be remembered is that we have a Federal law which preempting us from certain areas. We also have had several bills that dealt with promotion and advertising that were, according to the Attorney General, unconstitutional. Those Bills have been Leave to Withdraw or Ought Not to Pass. This particular area, it was too close to call for the Attorney General's office, but we could get the information that was required, that was needed, we felt that we were moving in a positive direction. We are traveling on tremendously legally thin ice if we go forward with this venture at this time. The thing that the good Senator from Kennebec, Senator Matthews has, is a fact that the Committee is concerned about. We have been moving progressively in this area and if he would just let the parties involved in the matter, work together to get the information where these promotions are taking place to make sure that tobacco products are not being given out to minors, they have a code of ethics to follow and in that code of ethics that I have copies of if the good Senator would like to have one. They are very stringent in making sure that they are not dealing with young people beneath the age of 18. It is very important to the Committee that this area be thoroughly policed.

Senator WEBSTER of Franklin moved to INDEFINITELY POSTPONE the Bill and all Accompanying Papers.

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

Senator BRANNIGAN: Mr. President. I would oppose that motion and like to speak. First of all the code which you heard about is for smokeless tobacco, as I understand it, and not for all tobacco promoters. Secondly, I heard Senator Gauvreau from Androscoggin, say that he didn't think we were walking on thin ice in relationship to the issue between us and the Federal government. Third, do you know how the Federal government handles tobacco issues? They support tobacco to the nines on one hand and fight as best they can the terrible results of it on the other hand. I say if we have a chance to take control of this issue in the State in some way, let's take it.

We work very hard to curb smoking and I have voted for every one of these issues, but it really bothers me some times when I see people huddled, especially when it is cold outside of their building and places like that. I think it is really too bad that we have to do that to people who are addicted. We do it and I voted for that. I have no problem when it is the companies that we are going to require some bit of registration, some bit of control.

I would urge you to join with us to defeat this motion to kill this Bill. Go with us on allowing that there be some registration of this kind of activity for cigarette companies and those who work for them. Thank you, Mr. President.

On motion by Senator BRANNIGAN 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 Kennebec, Senator Matthews.

Senator MATTHEWS: Mr. President, thank you. In response to the good Senator from Penobscot, Senator Baldacci's answer to me. I guess that my concern would be that if there is a problem with minors taking advantage of these promotional schemes, then registration makes an awful lot of sense, it seems to me. We can have an idea where they are doing this and what cliental they are promoting their products to. My other question that I would ask to anyone in this chamber, and I am concerned about smokeless tobacco. It is a problem that has been a major, major issue across this country, with problems of cancer among a lot of young people. Can these tobacco companies now, use these promotional ventures to promote smokeless tobacco? Chewing tobacco?

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

The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: In response to the good Senator from Kennebec, Senator Matthews' question. I might, and I think earlier in my remarks that I did address which was quoted directly from a letter from the Smokeless Tobacco people that said that they did have promotions and they had guidelines. Those guidelines were specific and that nobody under 18 years of age could receive any tobacco. It is legal for anybody over 18 years of age to possess and use tobacco. I would think that would be a direct response to the question.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAUN: Thank you, Mr. President. I would like to pose a question through the Chair. I respect the good Senator from Penobscot, Senator Baldacci and he talks about gathering information.

I think gathering information is wonderful and terrific but I need to have the question answered to me is how do we know where they are giving and what, when and where, if we do not have this registration, documentation, how are we going to get the facts?

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Thank you, Mr. President. To the good Senator from Knox, Senator Brawn. The Committee has been made aware and has letters from the Tobacco Council in regards to 1986 and in regards to the distribution. We asked them where they did distribute in 1986 and how much and we asked that we have that information for July, every semi-annual period. We did know what was going on. The Committee was being asked to do the registration procedure, not to curb smoking, but to gather information. The Tobacco Council has been giving that information to the Committee. The information is available to the Health Bureau and to all the health associations and to anyone who wants that information on a semi-annual basis, as to what is being done, what is proposed to be done and what amounts are going to be done. If that information is not forth coming, it is my intention to pass language that is very strong and make sure that it is coming.

It is just the feeling of the members of my Committee that we give it an opportunity to work voluntarily, without requiring a 50 dollar fee to

register the information if the information can be provided.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE the Bill and all Accompanying Papers.

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 BALDACCII, BERUBE, BLACK, BUSTIN, CAHILL, CLARK, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, GOULD, KERRY, LUDWIG, MAYBURY, PEARSON, PERKINS, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators ANDREWS, BRANNIGAN, BRAWN, COLLINS, ESTES, GAUVREAU, GILL, KANY, MATTHEWS, RANDALL

ABSENT: Senators None

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, with No Senators being absent, the motion by Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, PREVAILED.

Sent down for concurrence.

Off Record Remarks

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

Bill "An Act to Encourage Investment in the Development of Potato Varieties"

H.P. 678 L.D. 911
(C "A" H-183)

Tabled - June 2, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In House, May 28, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183).)

(In Senate, June 2, 1987, READ A SECOND TIME.)

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

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

An Act to Increase the Minimum Wage

H.P. 869 L.D. 1170
(S "A" S-115)

Tabled - June 2, 1987, by Senator BUSTIN of Kennebec.

Pending - Motion of Senator PEARSON of Penobscot to PLACE Bill on the SPECIAL APPROPRIATIONS TABLE

(In House, June 2, 1987, ENACTED.)

(In Senate, June 2, 1987, ENACTED. Subsequently, RECONSIDERED ENACTMENT.)

Senator PEARSON of Penobscot requested and received Leave of the Senate to withdraw his motion to PLACE Bill on the SPECIAL APPROPRIATIONS TABLE.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Mr. President. It is traditional that Bills which have fiscal notes are placed on the Special Appropriations Table. Upon looking at this Bill, it does have a fiscal note, it

is somewhat less than what it was before, but a decision was made to run the Bill, consequently, you should know that is the case. Thank you.

Senate at Ease
Senate called to order by the President.

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

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

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, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, USHER, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senators None

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, with No Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Definition of Independent Contractor for the Purposes of Workers' Compensation"

H.P. 1266 L.D. 1732

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

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Resolve, Concerning the Testing of School Buildings for Radon (Emergency)

H.P. 1148 L.D. 1563

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-218).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-218) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Establish a State Cost-share Program for Salt and Sand Storage Facilities"

H.P. 1135 L.D. 1545

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-221).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-221) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Converting West Forks Plantation into the Town of West Forks" (Emergency)

H.P. 1132 L.D. 1542

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 AGRICULTURE on Bill "An Act to Amend the Potato Marketing Improvement Fund Law"

H.P. 815 L.D. 1089

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-222).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-222) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency)

H.P. 1118 L.D. 1521

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster"

H.P. 1063 L.D. 1446

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.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Revise the Percent for Art Act in Public Buildings"

H.P. 498 L.D. 668

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 STATE AND LOCAL GOVERNMENT on Resolve, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land

H.P. 836 L.D. 1127

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-224).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-224) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing the Director of Public Improvements to Resolve an Encroachment on State Property in Hallowell

H.P. 1265 L.D. 1731

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent down forthwith to the Engrossing Department.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend Maine's Abandoned Property Laws"

H.P. 1198 L.D. 1633

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 BUSINESS LEGISLATION on Bill "An Act to Amend the Maine Condominium Act"

H.P. 1157 L.D. 1583

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.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill "An Act to Improve Disclosure of Consumer Leases"

H.P. 1122 L.D. 1525

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 AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of State Government Programs under the Maine Sunset Laws" (Emergency)

H.P. 1061 L.D. 1436

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-215).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-215) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act to Create Immunity from Liability"

H.P. 1137 L.D. 1547

Reported that the same Ought to Pass.
Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended
The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Increase Local Control of Certain Waste Water Discharges"
H.P. 114 L.D. 139

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-216).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216)
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-216) READ and ADOPTED, in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Provide Adequate Compensation for Substitute Teachers and to Take into Account Local Ability to Pay"
H.P. 118 L.D. 143

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Improve the Qualifications and Compensation of Substitute Teachers"
H.P. 1262 L.D. 1725

Signed:

Senators:

KANY of Kennebec
RANDALL of Washington
ESTES of York

Representatives:

MATTHEWS of Caribou
GOULD of Greenville
PARADIS of Frenchville
KILKELLY of Wiscasset
HANDY of Lewiston
O'GARA of Westbrook
BOST of Orono

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

Signed:

Representatives:

LAWRENCE of Parsonsfield
SMALL of Bath
NORTON of Winthrop

Comes from the House the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

The Majority OUGHT TO PASS in NEW DRAFT under NEW TITLE Report was ACCEPTED in NON-CONCURRENCE.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on LEGAL AFFAIRS on Bill "An Act to Provide for the Preservation and Care of Burial Places and Memorials for the Dead"
H.P. 563 L.D. 761

Reported that the same Ought to Pass in New Draft under same title.
H.P. 1258 L.D. 1719

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 TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act Relating to Local Bridges"
H.P. 684 L.D. 925

Reported that the same Ought to Pass in New Draft under same title.
H.P. 1259 L.D. 1718

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 TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Resolve, Authorizing Sharon Trafton Duthie to Bring Suit Against the State of Maine
H.P. 471 L.D. 638

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-210).

Signed:

Senators:

KANY of Kennebec
ESTES of York
DILLENBACK of Cumberland

Representatives:

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

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

Signed:

Representatives:

STEVENSON of Unity
MURPHY of Berwick
STEVENS of Sabattus

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-210) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

The Committee on TAXATION on Bill "An Act to Double the Property Tax Exemption for the Blind and Veterans"

H.P. 252 L.D. 325

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Property Tax Exemptions for the Blind, Veterans and Disabled Veterans"

H.P. 1260 L.D. 1720

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

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

Senator PEARSON: Mr. President, is the Senate still in possession of L.D. 1719?

THE PRESIDENT: The Chair would respond in the negative, the Bill having been assigned for Second Reading the next Legislative Day.

Senate at Ease

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications"

H.P. 534 L.D. 718

Majority - Ought to Pass in New Draft under New Title Bill "An Act to Require that Job Classifications and Specifications be Determined by Collective Bargaining"

H.P. 1236 L.D. 1688

Minority - Ought to Pass in New Draft under same title.

H.P. 1237 L.D. 1689

In House, May 29, 1987, Minority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

In Senate, June 1, 1987, Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator TUTTLE of York, the Senate ADHERED.

Sent down for concurrence.

Non-concurrent Matter

SENATE REPORTS - from the Committee on LEGAL AFFAIRS on Bill "An Act Giving the State Fire Marshal, Deputy and Inspectors Full Law Enforcement Powers"

S.P. 307 L.D. 886

(C "A" S-109)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-109).

Minority - Ought Not to Pass.

In Senate, June 1, 1987, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-109).

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Organization of the Maine Sardine Council"

S.P. 572 L.D. 1707

In Senate, June 1, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-223) in NON-CONCURRENCE.

On motion by Senator CAHILL of Sagadahoc, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Protect Existing Essential Public and Private Ground Water Supplies"

S.P. 573 L.D. 1715

In Senate, June 1, 1987, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

The Senate ADHERED.

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Wednesday, June 3, 1987, at 9:00 in the morning.