

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

"A" and House Amendment "C" thereto and sent up for concurrence.

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

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

In Senate Chamber
Friday
June 5, 1987

SENATE PAPERS
Divided Report

Majority Report from the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125) on Bill "An Act to Establish the Railroad Employee Equity Act" (S.P. 505) (L.D. 1529)

Signed:
Senator: THERIAULT of Aroostook
Representatives: SOUCY of Kittery
STROUT of Corinth
POULIOT of Lewiston
MACOMBER of South Portland
MOHOLLAND of Princeton
MILLS of Bethel
REEVES of Pittston

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:
Senators: DOW of Kennebec
CAHILL of Sagadahoc
Representatives: SALSBURY of Bar Harbor
McPHERSON of Eliot
CALLAHAN of Mechanic Falls

Came from the Senate with 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-125) and Senate Amendment "A" (S-142) Reports were read.

On motion of Representative Moholland of Princeton, the House voted to accept the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (S-125) was read by the Clerk and adopted.

Senate Amendment "A" (S-142) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just point out that this originally (as you can see) was a Divided Report, and after quite a bit of work at the other end of the hall, a compromise was reached. I guess you could now say that it is a Unanimous Report and I would urge your support.

Representative Joseph of Waterville offered House Amendment "A" (H-270) and moved its adoption.

House Amendment "A" (H-270) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-125), Senate Amendment "A" (S-142) and House Amendment "A" (H-270) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Aliberti of Lewiston, Adjourned until Monday, June 8, 1987, at six o'clock in the evening.

Senate called to Order by the President.

Prayer by the Honorable Pamela Cahill of Sagadahoc.
SENATOR CAHILL: Today's prayer was first given by William Henry Channing, Chaplain of the United States House of Representatives in the mid 1800's. He reminded those Legislators to live content with small means, to seek elegance rather than luxury and refinement rather than fashion. To be worthy, not respectable and wealthy, not rich. To study hard, think quietly, talk gently, act frankly, to listen to the stars and birds, babes and sages with open hearts. To bear all cheerfully, do all bravely, await occasions, never hurry and a word to let the spiritual unbidden and unconscious grow up through the common. Amen.

Reading of the Journal of Yesterday.

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

ORDERS
Joint Order

On motion by Senator DOW of Kennebec the following Joint Order: S.P. 597

Ordered, the House concurring that Bill "AN ACT to Reestablish the Vehicle Rental Agency in the Department of Conservation" H.P. 1078, L.D. 1465, be recalled from the Engrossing Department to the Senate.

Which was READ and PASSED.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication:

MAINE COUNCIL ON VOCATIONAL EDUCATION
40 WATER STREET, UNIT 1
HALLOWELL, MAINE 04347

June 4, 1987

Member, Maine State Legislature

State House

Augusta, Maine 04333

Dear Member:

I am pleased to present to you the Maine Council on Vocational Education's report on coordination between the Job Training Partnership Act and the Carl Perkins Education Vocational Act.

MCVE is required to research and comment on this coordination every two years.

We hope that you will contact us if you wish to discuss this report more fully or if you have any questions.

Sincerely,

S/Christine Szigeti-Johnson

Executive Director

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

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:

Resolve, Establishing a Commission to Study the Linkages between Education and Economic Development

H.P. 735 L.D. 986

Bill "An Act to Conform the Maine Income Tax Law to the Internal Revenue Code of 1986"

H.P. 1082 L.D. 1473

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act to Implement the Recommendations of the Joint Select Committee for Learning Disabled Children"

H.P. 350 L.D. 449

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-253).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-253) READ and ADOPTED, in concurrence.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency)

H.P. 962 L.D. 1291

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-254).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-254) READ and ADOPTED, in concurrence.

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

Senate

Ought to Pass in New Draft

Senator BUSTIN for the Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

S.P. 459 L.D. 1406

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

S.P. 590 L.D. 1743

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 ANDREWS for the Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Provide Assistance to Development Organizations in Labor Market Areas Facing Sudden and Severe Economic Dislocation" (Emergency)

S.P. 288 L.D. 815

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

S.P. 592 L.D. 1747

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 BRAWN for the Committee on FISHERIES AND WILDLIFE on Resolve, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State

S.P. 448 L.D. 1362

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

S.P. 591 L.D. 1744

Which Report was READ and ACCEPTED.

The Resolve in NEW DRAFT READ ONCE.

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

Senator CAHILL for the Committee on MARINE RESOURCES on Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations" (Emergency)

S.P. 476 L.D. 1439

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

S.P. 594 L.D. 1751

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 COLLINS for the Committee on BANKING AND INSURANCE on Resolve, to Study the Need for and Feasibility of Establishing a Self-insurance Fund and Reinsurance Funds in Maine

S.P. 194 L.D. 551

Reported that the same Ought to Pass in New Draft under New Title Resolve, to Study the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-obtain Lines of Liability Insurance (Emergency)

S.P. 595 L.D. 1752

Which Report was READ and ACCEPTED.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

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

RECALLED FROM ENGROSSING

Bill "An Act Relating to Adult Education"

H.P. 893 L.D. 1194

(C "A" H-201; H "A" H-243)

(In Senate, June 4, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201) AND HOUSE AMENDMENT "A" (H-243), in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 596.)

On motion by Senator ESTES of York, the Senate RECONSIDERED whereby it RECEDED and CONCURRED.

On further motion by same Senator, the Senate RECEDED from PASSAGE TO BE ENGROSSED.

House Amendment "A" (H-243) READ and ADOPTED, in concurrence.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (H-201).

On further motion by same Senator, Committee Amendment "A" (H-201) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-137) READ and ADOPTED.

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.

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

Off Record Remarks

On motion by Senator DUTREMBLE of York, 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:

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on AGRICULTURE on Bill "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products"

H.P. 169 L.D. 213

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

H.P. 1280 L.D. 1753

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.

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 ECONOMIC DEVELOPMENT on Resolve, Requiring the Governor to Develop a Plan to Provide for Greater Coordination of Human Resource Development Programs (Emergency)

H.P. 938 L.D. 1254

Reported that the same Ought to Pass in New Draft under New Title Resolve, Pertaining to the Implementation of a Plan for Greater Coordination of Human Resource Development Programs (Emergency)

H.P. 1277 L.D. 1748

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

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

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve Funding for Communicatively Impaired Maine Residents Served by Community-based, Private Nonprofit Speech and Hearing Centers"

H.P. 722 L.D. 973

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-255).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-255) READ and ADOPTED, in concurrence.

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

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms

H.P. 484 L.D. 651

(C "A" H-230)

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

Senator KANY: Mr. President and members of the Senate. I wish to put on the Record that I do intend to vote in favor of this resolution, only because of the wording in the statement of fact and amendment H-230 that is attached to the Bill. And only because of the Attorney General's opinion from Jim Tierney, dated May 8, 1987, which assures us, "that it is the intent of this amendment to allow the state to continue to restrict the right of convicted felons and mentally incompetent persons to bear arms, to continue to restrict the types of weapons that a person may keep and bear and to maintain existing law relating to concealed weapons and other similar issues". In other words, in voting in favor of this Constitutional Amendment I do so with the complete understanding that current laws, which regulate fire arms, would continue to be in effect. That laws just enacted such as the provision within an act amending the laws relating to private security guards, which prohibits fire arms and other dangerous weapons to be at labor disputes except in the hands of the law enforcement officers, that new law would continue to be in effect and that other reasonable constrictions to the use of fire arms as approved by the Maine Legislature would be allowed.

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

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. In response to the comments of the Senator from Kennebec, Senator Kany, I would agree with her statements and for clarification purposes I would like to add a few statements for the

Record. The Constitution of Maine, article 1, section 16 currently reads "every citizen has a right to keep and bear arms for the common defense; and this right shall never be questioned". In April of 1986, the Maine Supreme Court interpreted a phrase for the common defense as pointing to service in a broadly based organized militia, meaning groups such as the national guard. The court ruled that an individual Maine citizen has no constitutional guarantee to keep and bear arms, in order to establish the individual right to keep and bear arms, thought by many to be already guaranteed in the Constitution.

We are proposing to remove the words for the common defense from the current language and leaving the rest of the wording intact. Every citizen has a right to keep and bear arms and that right shall never be questioned. The intent of this legislation is to guarantee the right to keep and bear arms to every citizen. It is also the intent of the Legislature to reserve current statute and ordinances pertaining to fire arms. In passing this amendment we reserve to the Legislature the authority to regulate the possession of fire arms by convicted felons, minors and the mentally infirm. We recognize the term arms to mean such arms as are commonly kept by the people such as rifles, shot guns and hand guns. Laws pertaining to concealed weapon for Maine under legislative authority.

Municipalities may continue to regulate the discharge of fire arms and waiting periods as allowed by statutes. The soul intent of this amendment is to assure for each Maine citizen the right to keep and bear arms.

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

Emergency Resolve

Resolve, Concerning the Testing of School Buildings for Radon

H.P. 1148 L.D. 1563
(H "A" H-238; C "A" H-218; S "A" S-122)

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

Emergency Resolve

Resolve, That the Secretary of State Prepare a Revision of the State's Motor Vehicle Laws

S.P. 582 L.D. 1726

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

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

ENACTORS

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

An Act Concerning the Boundary Between the Towns of Machias and Machiasport

S.P. 421 L.D. 1301
(C "A" S-120)

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

An Act to Clarify Capital Reimbursements

S.P. 515 L.D. 1558

An Act to Encourage Investment in the Development of Potato Varieties

H.P. 678 L.D. 911
(S "B" S-123 to C "A" H-183)

An Act to Amend the Insurance Code Regarding Rates and Rating Organizations

H.P. 1160 L.D. 1586
(C "A" H-226)

An Act Relating to Refusal to Appear and Taxable Wages under the Employment Security Law

H.P. 1161 L.D. 1587
(C "A" H-227)

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 the Appropriations to the Maine Student Osteopathic Loan Program

S.P. 94 L.D. 241
(C "A" S-126)

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

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

RECALLED FROM ENGRASSING

Bill "An Act to Reestablish the Vehicle Rental Agency in the Department of Conservation" (Emergency)

H.P. 1078 L.D. 1465
(C "A" H-251)

(In Senate, June 4, 1987, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 597.)

On motion by Senator DOW of Kennebec, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-251).

On further motion by same Senator, Senate Amendment "A" (S-138) to Committee Amendment "A" (H-251) READ and ADOPTED.

Committee Amendment "A" (H-251) as Amended by Senate Amendment "A" (S-138), thereto ADOPTED in NON-CONCURRENCE.

Senate at Ease

Senate called to order by the President.

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

Sent down for concurrence.

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 Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour"

H.P. 547 L.D. 734
(C "A" H-212)

In Senate, June 4, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212) AS AMENDED BY HOUSE AMENDMENT "B" (H-252), thereto in NON-CONCURRENCE.

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

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for 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:

House As Amended

Bill "An Act to Implement the Recommendations of the Joint Select Committee for Learning Disabled Children"

H.P. 350 L.D. 449 (C "A" H-253)

Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency)

H.P. 962 L.D. 1291 (C "A" H-254)

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

Senate

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

S.P. 590 L.D. 1743

Bill "An Act to Provide Assistance to Development Organizations in Labor Market Areas Facing Sudden and Severe Economic Dislocation" (Emergency)

S.P. 592 L.D. 1747

Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations" (Emergency)

S.P. 594 L.D. 1751

Resolve, to Study the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-obtain Lines of Liability Insurance (Emergency)

S.P. 595 L.D. 1752

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

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

Resolve, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State (Emergency)

S.P. 591 L.D. 1744

Which was READ A SECOND TIME.

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

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

ENACTORS

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

Emergency

An Act to Clarify the Organization of the Maine Sardine Council

S.P. 572 L.D. 1707 (H "A" H-223)

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.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE HOUSE OF REPRESENTATIVES AUGUSTA 04333

June 5, 1987

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

Dear Madam Secretary:

House Paper 1195, Legislative Document 1629, AN ACT to Improve the Teacher and Administrator Certification Law, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the Objections of the Governor?'

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

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

Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE HOUSE OF REPRESENTATIVES AUGUSTA 04333

June 5, 1987

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Taxation on Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws" (S.P. 80) (L.D. 166).

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

Which was READ and ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act Relating to the Maine Transportation Capital Improvement Planning Commission"

S.P. 598

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Speaker MARTIN of Eagle Lake,
Senator DOW of Kennebec, President PRAY of Penobscot

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Committee on TRANSPORTATION suggested.

Under suspension of the Rules, the Bill READ ONCE, without reference to a Committee, and ORDERED PRINTED.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator ERWIN of Oxford, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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 Amend the Sardine Tax" (Emergency)

H.P. 1253 L.D. 1711

In Senate, June 2, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-258) in NON-CONCURRENCE.

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

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Amend the Laws Governing Statements Made to a Juvenile Caseworker"

H.P. 1279 L.D. 1750

Tabled - June 4, 1987, by Senator BRANNIGAN of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested.)

(In House, June 4, 1987, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.)

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

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. This is a Bill that was going to be moved through the process without reference to a Committee.

Our Committee, the Judiciary Committee, has held a work session on this Bill this morning. We find that the contents of this Bill is subject matter that we have discussed considerably dealing with other Bills this session. We have discussed this issue with the Governor's office, this was the Governor's Bill, and with the sponsors. All are agreed that at this late time in the session, it would be unwise to deal with this issue again.

On motion by Senator BRANNIGAN of Cumberland, the Bill and all Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

Bill "An Act to Establish the Railroad Employee Equity Act"

S.P. 505 L.D. 1529
(C "A" S-125)

Tabled - June 4, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, June 4, 1987, READ A SECOND TIME.)

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-142) READ.

On further motion by same Senator, Tabled until Later in Today's Session, pending the ADOPTION of Senate Amendment "A" (S-142).

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Establish the Railroad Employee Equity Act"

S.P. 505 L.D. 1529
(C "A" S-125)

Tabled - June 5, 1987, by Senator MATTHEWS of Kennebec.

Pending - Motion of same Senator to ADOPT Senate Amendment "A" (S-142)

(In Senate, June 5, 1987, Senate Amendment "A" (S-142) READ.)

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-142) ADOPTED.

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

Senator CAHILL: Thank you Mr. President, men and women of the Senate. I just wanted to speak for the Record today to say how truly I appreciate the compromise efforts of the good Senator from Kennebec, Senator Matthews, and the railroad people. I rise to support the amendment and the legislation that is now before us. While it doesn't answer all of our concerns, I believe the intentions were meant in good faith. Therefore, I am happy to support this.

On motion by Senator CAHILL of Sagadahoc, 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 Kany.

Senator KANY: Thank you Mr. President and members of the Senate. I rise to say how pleased I am that as is expected, this Senate will send a strong message to the railroad workers of the state of Maine and to the world that we believe that they are due at least priority hiring and training

assistance. It pleases me greatly to be a member of this Body today. Thank you very much.

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

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED AS AMENDED.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

At this time, the Chair noted the absence of the Senator from Cumberland, Senator ANDREWS, and further excused the same Senator from Today's Roll Call votes.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators None

ABSENT: Senators BRAWN, RANDALL, WHITMORE

EXCUSED: Senator ANDREWS

31 Senators having voted in the affirmative and No Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having been excused, the Bill was 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:

SECOND READERS

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

Senate

Bill "An Act Relating to the Maine Transportation Capital Improvement Planning Commission"

S.P. 598

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee.

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:

SECOND READERS

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

House

Bill "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products"

H.P. 1280 L.D. 1753

Resolve, Pertaining to the Implementation of a Plan for Greater Coordination of Human Resource Development Programs (Emergency)

H.P. 1277 L.D. 1748

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

House As Amended

Bill "An Act to Improve Funding for Communicatively Impaired Maine Residents Served by Community-based, Private Nonprofit Speech and Hearing Centers"

H.P. 722 L.D. 973

(C "A" H-255)

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

ORDERS OF THE DAY

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

Resolve, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State (Emergency)

S.P. 591 L.D. 1744

Tabled - June 5, 1987, by Senator USHER of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, June 5, 1987, READ A SECOND TIME.)

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

On motion by Senator USHER of Cumberland, 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:

SENATE PAPERS

Bill "An Act to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements"

S.P. 602

Presented by Senator GILL of Cumberland

Cosponsored by: Representative MELENDY of Rockland, Representative THISTLE of Dover-Foxcroft, Representative GREENLAW of Standish

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Authorize the Construction of an East-West Highway"

S.P. 231 L.D. 625

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-145).

Signed:

Senators:

DOW of Kennebec
CAHILL of Sagadahoc
THERIAULT of Aroostook

Representatives:

STROUT of Corinth
POULIOT of Lewiston
MOHOLLAND of Princeton

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

Signed:

Representatives:

- SALSBUURY of Bar Harbor
- MACOMBER of South Portland
- MCPHERSON of Eliot
- SOUICY of Kittery
- CALLAHAN of Mechanic Falls
- REEVES of Pittston

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-145) READ and ADOPTED.

Under suspension of the Rules, the Bill READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, by UNANIMOUS CONSENT the Senate SUSPENDED THE RULES.

On further motion by same same Senator, Senate Amendment "B" (S-144) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

On motion by Senator MAYBURY of Penobscot, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

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

Senator MAYBURY: Thank you Mr. President, it is late in the afternoon, I will agree, but I would like to pose a question through the Chair to any Senator who may care to respond. I would like to know what effect, if any, the study that we passed previously, as I thought we passed a study that would have looked at the possibilities of an East-West highway, whether or not that study was going to be taken into consideration?

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President, men and women of the Senate. In answer to the good Senator from Penobscot, Senator Maybury's question there have been two studies approved by the Transportation Committee and those are Route 1 and also the extension of 95 to the St. John Valley.

In addition to that, there is a commission that is being formulated right now that would be concerned with long range planning of all transportation modes in this state. As it is right now, we have short range planning through the Department of Transportation, but there is no long range planning and this would institute that program. Thank you.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator BUSTIN of Kennebec (Cosponsored by: Senator BRAUN of Knox,

Representative BOST of Orono, Senator TWITCHELL of Oxford) the following Joint Resolution:

S.P. 603

JOINT RESOLUTION RECOGNIZING THE DIVISION OF ALCOHOL AND DRUG EDUCATION SERVICES WITHIN THE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

WHEREAS, the Division of Alcohol and Drug Education Services in the Department of Educational and Cultural Services has developed a comprehensive chemical dependency prevention and intervention program which is innovative, has been demonstrated successful and is highly regarded; and

WHEREAS, that program is unique in its strategy which helps local schools and communities to better address issues related to chemical use, abuse and dependency; and

WHEREAS, that program has set forth a comprehensive alcohol and other drug abuse prevention and intervention program implementation strategy for Maine's schools in kindergarten and grades 1 to 12 that generates education and awareness, sets policies and procedures, improves climate, establishes support groups, promotes student awareness, teaches primary prevention curriculum, supports staff development and models attitudes and behavior; and

WHEREAS, that program has developed a comprehensive support system for local schools which trains school and community volunteer teams; conducts in-service workshops and specialized training programs for educational personnel; makes available resources such as films, books and pamphlets for educational programs; assists schools in implementing a chemical dependency prevention curriculum; and promotes Project Graduation, which emphasizes prudent decision-making about drinking and drug use while driving and endeavors to establish chemical free celebrations as the new tradition; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled, in the First Regular Session, commend the Division of Alcohol and Drug Education Services for its innovative, integrated and highly regarded program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Educational and Cultural Services as notice of these resolves.

Which was READ and ADOPTED.

Sent down for concurrence.

ORDERS OF THE DAY

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

Resolve, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State (Emergency)

S.P. 591 L.D. 1744

Tabled - June 5, 1987, by Senator USHER of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, June 5, 1987, READ A SECOND TIME.)

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-143) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following matter:

JOINT RESOLUTION - Recognizing the Division of Alcohol and Drug Education Services within the Department of the Educational and Cultural Services
S.P. 589

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator BRAUN of Knox to ADOPT (In Senate, June 3, 1987, READ.)

On motion by Senator CLARK of Cumberland, INDEFINITELY POSTPONED.

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

On motion by Senator DUTREMBLE of York, ADJOURNED until Monday, June 8, 1987, at 6:00 in the evening.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
83rd Legislative Day
Monday, June 8, 1987

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

Prayer by Father Valmont Gilbert, St. Bridget's Catholic Church, North Vassalboro.

Pledge of Allegiance.

The Journal of Friday, June 5, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 603)
JOINT RESOLUTION RECOGNIZING THE DIVISION
OF ALCOHOL AND DRUG EDUCATION SERVICES
WITHIN THE DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES

WHEREAS, the Division of Alcohol and Drug Education Services in the Department of Educational and Cultural Services has developed a comprehensive chemical dependency prevention and intervention program which is innovative, has been demonstrated successful and is highly regarded; and

WHEREAS, that program is unique in its strategy which helps local schools and communities to better address issues related to chemical use, abuse and dependency; and

WHEREAS, that program has set forth a comprehensive alcohol and other drug abuse prevention and intervention program implementation strategy for Maine's schools in kindergarten and grades 1 to 12 that generates education and awareness, sets policies and procedures, improves climate, establishes support groups, promotes student awareness, teaches primary prevention curriculum, supports staff development and models attitudes and behavior; and

WHEREAS, that program has developed a comprehensive support system for local schools which trains school and community volunteer teams; conducts in-service workshops and specialized training programs for educational personnel; makes available resources such as films, books and pamphlets for educational programs; assists schools in implementing a chemical dependency prevention curriculum; and promotes Project Graduation, which emphasizes prudent decision-making about drinking and drug use while driving and endeavors to establish chemical free celebrations as the new tradition; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled, in the First Regular Session, commend the Division of Alcohol and Drug Education Services for its innovative, integrated and highly regarded program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Educational and Cultural Services as notice of these resolves.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements" (S.P. 602) (L.D. 1765)