

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

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

In Senate Chamber,  
 Monday, June 15, 1987  
 Senate called to Order by the President.

Prayer by the Honorable Jerome A. Emerson of Penobscot.

SENATOR EMERSON: May we be in the spirit of prayer. Heavenly Father, we are thankful for this beautiful, bright sunny day, at the beginning of this new week. May the light of this day fill our hearts. May it serve as a symbol of the light that we pray will be with us and guide us through the difficult days of decision making that lie before us. Grant us patience, wisdom and endurance. Be with each of us today and everyday. All this we ask in Christ's name. Amen.

Reading of the Journal of Friday, June 12, 1987.

Off Record Remarks

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 State-subsidized Loans or Grants to Owners of Residential Underground Tanks"

H.P. 1034 L.D. 1392

Bill "An Act to Increase the Availability and Improve the Quality of Child Care in this State"

H.P. 1141 L.D. 1551

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants  
 H.P. 1310 L.D. 1788

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENACTED

(In House, June 11, 1987, PASSED TO BE ENACTED.)

(In Senate, June 10, 1987, PASSED TO BE ENGROSSED, in concurrence.)

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. I want to say a few words before we enact this Bill. In my nine years here, I would have to say that this issue is the issue that has taken up most of my time and the one that I have done the most work on. Unfortunately, it doesn't appear to me that we are going to meet any different result than we did the first time we addressed this Bill. I know that as a Senator, I am not suppose to talk about pending action by the second floor, whether or not the Governor is going to veto this Bill, so I am not going to. Even though the Governor

has made it public to the media that he will take such action. So, I won't talk about that.

Last week I went home and I tried over and over again to come up with some kind of solution to this that we could all accept and I found myself trying to address that the issue of random testing, whether or not any kind of a way could be acceptable to the people and I came up with an idea. Since, I have come up with the idea, I haven't been able to sleep. So, the amendment is going to stay right where it is, and that is on my desk. It is not going to be presented.

I thought that we could do partial random testing and thereby address some of the concerns that the Governor had and, at the same time, address some of the concerns that we had. But regardless of which way I went, whether it was partial random testing or total random testing, it still came out random testing. I guess I don't feel comfortable with that. So, I am not going to present anything on it and leave it the way it is and let the Governor do what he feels he has to do.

Last week, when I worked on this, I thought that I had expended just about every ounce of energy that I can on this issue, this is the last time I am going to do this and I am not going to bother with it anymore. But I guess I am not going to do that. If something happens to this Bill on the second floor, there will be another one and if something happens to that one, there will be another one. If it takes four years, they will keep coming back. I just can't imagine any Bill coming out of this Legislature with random testing no matter who introduces the Bill and no matter how many people introduce the Bill, it will always be, in my opinion, without random testing.

When I started working on this issue, five months ago, there wasn't a soul on the Labor Committee who wanted the Committee to pass a Bill with random testing in it. There wasn't a soul that I spoke to upstairs or any place else who favored random testing, who were members of the Legislature. It is really and truly unfortunate that, because of the second floor, we will have to have testing programs that allow random testing when really nobody wanted it. I understand that the Governor said he is not convinced of the fact that random testing is wrong and yet he has failed to show any evidence at all that random testing is needed. And that probable cause testing is not sufficient. State after state that I have called, or that have worked on this, have all taken the action of either banning random testing or restricting it and allowing for probable cause testing. All except for Maine. Every court case that I have read, every single one, deals with the fact that random testing is unconstitutional. And yet, we are proceeding with it. I don't know how much more evidence we need. I don't know what people need to convince them that what we are doing is not right. It just isn't right. At one point I even suggested that if you want random testing, fine, but let's put a clause in this Bill that if any court rules it unconstitutional, then it will be unconstitutional for people in this state. That wasn't acceptable. I think that it all boils down to that there are certain people in this state who want random testing and they are having their way. They are having their way because of a certain person on the second floor, who at one time just six months ago, believed the very same way that we did. If he was standing right here in my position six months ago, he would be making the speech that I am now. He has not been able to come up and tell us, or his people have not been able to come up and tell us,

what evidence, what happened to make you change your mind?

After the first Bill was vetoed, we asked him to show us that information, show us the information that you have. You must have some reason why you vetoed this Bill, give it to us. Nothing was ever presented. I guess I am just a little disappointed that a lot of us have put a lot of work, hard work, both sides of the aisle, and have compromised issue after issue after issue, with the exception of that one issue that is the most important. It really is the only issue that took us apart that the Governor would not agree to it, even though we have all of this evidence and all of these cases. That is very disappointing, because we have addressed just about every other concern that everybody had on the Committee, we were able to work on and come out with a good, fair Bill. Probable cause, you have to remember that this Bill allows for probable cause testing, which means that every person who uses drugs on the job who shows that he is using drugs on the job by his actions, by his lack of work, can be tested. We have loosened the definition of probable cause so much, that in the opinions of some people, this probable cause definition would make it difficult for an employee to fight it if he felt he was unjustly tested. I think that it is about time for someone else to do the compromising on this issue, because when it comes time for the rights of the people, I don't think some of us are willing to compromise those rights away. I hope we would vote for enactment here. Thank you.

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 pending question before the Senate is PASSAGE TO BE ENACTED.

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, KANY, KERRY, MATTHEWS, PEARSON, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senators BALDACCI, GAUVREAU, MAYBURY, THERIAULT, TUTTLE

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 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.

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

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection"

H.P. 1251 L.D. 1709

(S "A" S-182 to C

"A" H-311; H "A"

H-328)

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

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

(In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS AMENDED BY SENATE AMENDMENT "A" (S-182), thereto in NON-CONCURRENCE. Subsequently, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. RECONSIDERED INDEFINITE POSTPONEMENT of HOUSE AMENDMENT "A" (H-328) and ADOPTED same.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AND HOUSE AMENDMENT "A" (H-328).)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

Bill "An Act to Amend the State Retirement Laws"  
S.P. 617 L.D. 1818  
(S "A" S-184)

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

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

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

Bill "An Act to Allow Increased Participation of State Employees in the Electoral Process"  
S.P. 606 L.D. 1796

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate June 9, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in NON-CONCURRENCE.)

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

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:  
PAPERS FROM THE HOUSE  
Joint Resolution

The following Joint Resolution: H.P. 1357  
 JOINT RESOLUTION MEMORIALIZING  
 THE UNITED NATIONS TO GRANT FREE ACCESS  
 TO ITS FILES ON NAZI WAR CRIMINALS

We, your Memorialists, the Senate and the House of Representatives of the State of Maine in First Regular Session of the 113th Legislature, now assembled, most respectfully present and petition the Secretary of the United Nations, Javier Perez de Cuellar, as follows:

WHEREAS, the question of exacting justice for Nazi war crimes continues to haunt our era. As eyewitnesses of the gruesome Nazi atrocities vanish with the passage of time, documentary evidence becomes ever more critical to the tracking down of the guilty. Some experts have pointed to the potential for forged evidence by the Soviet bloc, which derives advantage from dividing American ethnic groups; and

WHEREAS, the debate over untainted evidence rages, a clear, unimpeachable and reliable body of evidence continues to be shielded from public scrutiny; and

WHEREAS, that evidence is to be found in the War Crimes Files of the United Nations, which were gathered by the Allied War Crimes Commission. The files contain information on approximately 40,000 suspected war criminals, of whom 25,000 warranted prosecution; and

WHEREAS, upon completing its work, the allied commission turned over its records to the United Nations for safekeeping, intending that these documents contribute to bringing other war criminals to justice. Inexplicably, United Nations officials have since restricted access to the files, maintaining that permission must be secured from the 17 nations which comprise the commission; and

WHEREAS, the Maine Legislature believes that the enormity of Nazi crimes outweighs such narrow procedural arguments; now, therefore, be it

RESOLVED: that We respectfully urge the United Nations Secretary General Javier Perez de Cuellar to open the war crimes files. Continued opposition to access to this important source of information acts as an impediment to the punishment of those guilty of crimes against humanity; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to United Nations Secretary General Javier Perez de Cuellar.

Comes from the House, READ and ADOPTED.  
 Which was READ and ADOPTED, in 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 Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code"

H.P. 1332 L.D. 1822  
 (S "A" S-190; S "C"  
 S-208)

In House, June 11, 1987, PASSED TO BE ENGROSSED.

In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-190) AND "C" (S-208) in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE in NON-CONCURRENCE.

The Senate INSISTED and JOINED IN A COMMITTEE OF CONFERENCE.

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 TRANSPORTATION on Bill "An Act to Amend the Title Laws of Maine"

H.P. 140 L.D. 181

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

H.P. 1356 L.D. 1857

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.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, ordered sent 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 As Amended

The Committee on UTILITIES on Bill "An Act to Amend the Charter of the Lincoln Water District" (Emergency)

H.P. 1216 L.D. 1659

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-339).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-339)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-339) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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 Maintain Lifeguard Services in State Government

S.P. 415 L.D. 1273  
 (H "A" H-318)

An Act to Recodify the First-lien Real Estate Secured Lending Provisions Relating to Nonbanks in the Maine Consumer Credit Code

S.P. 517 L.D. 1560  
 (C "A" S-163)

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 Improve Fire Prevention Activity of Railroads

S.P. 439 L.D. 1334  
 (C "A" S-177)

On motion by Senator DUTREMBLE of York, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Remove the Responsibility of the Department of Agriculture, Food and Rural Resources to Pay for Wildlife Damage

S.P. 496 L.D. 1513  
(C "A" S-176)

On motion by Senator DUTREMBLE of York, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Make Adjustments in the School Finance Act

S.P. 405 L.D. 1256  
(C "A" S-172)

On motion by Senator ESTES 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 it ADOPTED Committee Amendment "A" (S-172).

On further motion by same Senator, Senate Amendment "A" (S-211) to Committee Amendment "A" (S-172) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ESTES: Thank you Mr. President, ladies and gentlemen of the Senate. I would just like to speak briefly to the Bill. This is an amendment which corrects a typographical error in the body of the Bill that you will see in the original Bill the figure was seven million, two hundred and thirty thousand, when it should have been seven million, three hundred and twenty thousand. This amendment makes that correction.

On further motion by same Senator, Senate Amendment "A" (S-211) to Committee Amendment "A" (S-172) ADOPTED.

Committee Amendment "A" (S-172) as Amended by Senate Amendment "A" (S-211), 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.

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 Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code

S.P. 620 L.D. 1821

An Act to Amend the Maine Juvenile Code

H.P. 1331 L.D. 1816

Which were PASSED TO BE ENACTED and having been signed by the President, were 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:

Emergency

An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1987, June 30, 1988, and June 30, 1989

S.P. 242 L.D. 673  
(C "A" S-171)

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

Emergency

An Act to Correct Errors and Omissions in the Legislation Implementing Collective Bargaining Agreement for Maine Vocational-Technical Institute System Employees

S.P. 615 L.D. 1815

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

Emergency

An Act to Provide for the Compilation of data and Information Relating to Reasons for Residential Mortgage Foreclosures in Maine

S.P. 616 L.D. 1817

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:

ENACTORS

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

Emergency

An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989

H.P. 415 L.D. 549

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

Emergency

An Act to Expand Employment Opportunities for Minors under the Age of 16 Years

H.P. 1334 L.D. 1824

This being an Emergency Measure and having received the affirmative vote of 28 Members of the

Senate, with 1 Senator having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Provide Discretion to the State Liquor Commission to Establish a Temporary Agency Liquor Store in Response to a Natural Disaster

H.P. 1311 L.D. 1789  
(H "A" H-309)

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

On further motion by same Senator, Tabled until Later in Today's Session, pending ENACTMENT. (Roll Call Ordered)

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 Resolve

Resolve, to Establish a Joint Select Committee on Long-term Care Staffing Issues

S.P. 147 L.D. 401  
(C "A" S-178)

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

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:

Resolve

Resolve, to Establish the Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act

S.P. 447 L.D. 1361  
(C "A" S-173)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case"

S.P. 537 L.D. 1623

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-213) READ and ADOPTED.

Under suspension of the Rules, the Bill 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1987-88" (Emergency)

H.P. 1328 L.D. 1812

In Senate, June 11, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-331) in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator USHER of Cumberland, RECESSED until 1:30 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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BALDACCI for the Committee on BUSINESS LEGISLATION on Bill "An Act to Register Acupuncturists"

S.P. 365 L.D. 1100

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-214) READ and ADOPTED.

Under suspension of the Rules, the Bill 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Facilitate Access to In-home Services"

H.P. 1062 L.D. 1445

(C "A" H-308)

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308) AS AMENDED BY HOUSE AMENDMENT "A" (H-347), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency)

S.P. 588 L.D. 1742

(H "B" H-302)

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-302), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-302) AS AMENDED BY HOUSE AMENDMENT "A" (H-348), thereto in NON-CONCURRENCE.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. It is not my intention to oppose the motion to Recede and Concur, but I would like to bring to the Senate's attention what the amendment, which was added to this Bill, does.

The purpose of House Amendment 348, is to provide a selection of a chairman by the President of the Senate and Speaker of the House, instead of election among its members. I would just add that I am somewhat concerned about a disturbing trend of appointments by the Speaker and the President and taking that away from the way it has normally been done. I am not opposed on this issue to have this amendment adopted and I will support it, but I think it may be the beginning of a very disturbing trend and I wanted to bring that to your attention.

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 Ensure Safe Abatement of Asbestos Hazards" (Emergency)

H.P. 1286 L.D. 1762  
(H "A" H-278; H "B"  
H-322; S "A" S-150)

In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-278) AND "B" (H-322) AND SENATE AMENDMENT "A" (S-150), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-278) AND "C" (H-344) AND SENATE AMENDMENT "A" (S-150) in NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime

H.P. 1297 L.D. 1775

In House, June 12, 1987, Bill and Accompanying Papers INDEFINITELY POSTPONED.

In Senate, June 12, 1987, PASSED TO BE ENACTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

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

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

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act to Amend the Uniform Commercial Code Regarding Tribal Government" (Emergency)

H.P. 1358 L.D. 1860

Committee on JUDICIARY 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 and ORDERED PRINTED.

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 forthwith to the Engrossing Department.

Resolve, to Reconstitute the 9-1-1 Study Commission (Emergency)

H.P. 1359 L.D. 1861

Committee on UTILITIES 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 and ORDERED PRINTED.

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 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 as Amended

The Committee on AGRICULTURE on Bill "An Act to Repeal the Mandatory Brucellosis Vaccination for Cattle"

H.P. 775 L.D. 1047

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-341).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-341)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-341) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

The Committee on AGRICULTURE on Bill "An Act to Better Accommodate Over-order Milk Pricing"

H.P. 1274 L.D. 1741

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-342).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-342) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent 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 as Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State" H.P. 1053 L.D. 1416

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-338).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338) AS AMENDED BY HOUSE AMENDMENT "A" (H-343) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-338) READ.

House Amendment "A" (H-343) to Committee Amendment "A" (H-338) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-338) as Amended by House Amendment "A" (H-343), thereto ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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 Provide for Renewal of Auto Registration and Inspection Sticker at the Same Time S.P. 386 L.D. 1163 (C "A" S-174)

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

An Act to Establish the Maine Court Facilities Authority

H.P. 329 L.D. 428  
(H "A" H-303; H "B" H-304 to C "A" H-265)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency Resolve

Resolve, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State

H.P. 1316 L.D. 1795  
(H "A" H-292)

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

ORDERS OF THE DAY

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

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection"

H.P. 1251 L.D. 1709  
(S "A" S-182 to C "A" H-311; H "A" H-328)

Tabled - June 15, 1987, by Senator CLARK of Cumberland.

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

(In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS AMENDED BY SENATE AMENDMENT "A" (S-182), thereto in NON-CONCURRENCE. Subsequently, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. RECONSIDERED INDEFINITE POSTPONEMENT of HOUSE AMENDMENT "A" (H-328) and ADOPTED same.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AND HOUSE AMENDMENT "A" (H-328).)

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

Sent down for concurrence.

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

Bill "An Act to Amend the State Retirement Laws" S.P. 617 L.D. 1818 (S "A" S-184)

Tabled - June 15, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

(See Action Later Today)

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

Bill "An Act to Allow Increased Participation of State Employees in the Electoral Process"

S.P. 606 L.D. 1796

Tabled - June 15, 1987, by Senator BUSTIN of Kennebec.

Pending - FURTHER CONSIDERATION

(In Senate June 9, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

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

Emergency

An Act to Provide Discretion to the State Liquor Commission to Establish a Temporary Agency Liquor Store in Response to a Natural Disaster

H.P. 1311 L.D. 1789  
(H "A" H-309)

Tabled - June 15, 1987, by Senator KANY of Kennebec.

Pending - PASSAGE TO BE ENACTED (Roll Call Ordered)

(In House, June 15, 1987, PASSED TO BE ENACTED.)

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-309), in concurrence.)

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I don't know why we are defeating this each time, there is no reason to. All this does is provide for a temporary unit liquor store in somebody's grocery store down in Gardiner. The liquor store that was there originally was flooded out, they do not have a liquor store now and an agency store doesn't cost the state any money. The people who take the liquor in, pay for the liquor and they sell it. I see no reason to prevent this community from having a temporary liquor store.

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

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, BALDACCI, BERUBE, BLACK, BRANNIGAN, BUSTIN, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PERKINS, THERIAULT, TUTTLE, TWITCHELL, USHER

NAYS: Senators BRAWN, CAHILL, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, RANDALL, SEWALL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator PEARSON

Senator BLACK of Cumberland requested and received Leave of the Senate to change his vote from NAY to YEA.

Senator COLLINS of Aroostook requested and received Leave of the Senate to change his vote from NAY to YEA.

Senator USHER of Cumberland requested and received Leave of the Senate to change his vote from NAY to YEA.

President PRAY of Penobscot requested and received Leave of the Senate to change his vote from YEA to NAY.

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the Bill FAILED of PASSAGE TO BE ENACTED in NON-CONCURRENCE.

(See Action Later Today)

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

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1987-88" (Emergency)

H.P. 1328 L.D. 1812

Tabled - June 15, 1987, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED, in concurrence.)

In House, June 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-331) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

June 15, 1987

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Edward S. Rendall, M.D. of Blue Hill, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2

Representatives 9

NAYS: 0

ABSENT: 2 Sen. Tuttle of York

Rep. Paul Jacques of Waterville

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward S. Rendall, M.D. of Blue Hill, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,  
S/Ronald E. Usher  
Senate Chair  
S/Michael H. Michaud  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Edward S. Rendall, M.D. of Blue Hill for appointment to the Board of Environmental Protection be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator KANY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than

two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Edward S. Rendall, M.D. for appointment to the Board of Environmental Protection, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senator CLARK of Cumberland moved that the Senate RECONSIDER whereby it RECEDED and CONCURRED on:

Bill "An Act to Amend the State Retirement Laws"  
 S.P. 617 L.D. 1818  
 (H "A" H-335 to S  
 "A" S-184)

(In Senate, June 15, 1987, RECEDED and CONCURRED.)  
 (In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

On motion by Senator USHER of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator CLARK of Cumberland to RECONSIDER RECEDING and CONCURRING.

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

On motion by Senator WEBSTER of Franklin, 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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Ensure Safe Management, Recycling and Disposal of Solid Waste and to Reorganize the Solid Waste Law"

H.P. 1107 L.D. 1499

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

H.P. 1360 L.D. 1862

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.

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

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I have an amendment in preparation and would ask that this be tabled until later in today's session.

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

The Committee on UTILITIES on Bill "An Act to Make Changes in the Laws Governing Public Utilities"  
 H.P. 256 L.D. 339

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

H.P. 1361 L.D. 1863

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.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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

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 TAXATION on Bill "An Act to Dedicate a Portion of the Real Estate Transfer Tax to Fund State Revenue Sharing Programs"

H.P. 621 L.D. 840

Reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford  
 DOW of Kennebec

Representatives:

NADEAU of Saco  
 DUFFY of Bangor  
 DORE of Auburn  
 SWAZEY of Bucksport  
 CASHMAN of Old Town  
 MAYO of Thomaston

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-345).

Signed:

Senator:

SEWALL of Lincoln

Representatives:

SEAVEY of Kennebunkport  
 INGRAHAM of Houlton  
 JACKSON of Harrison  
 ZIRNKILTON of Mount Desert

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

Which Reports were READ.

Senator TWITCHELL of Oxford moved the ACCEPTANCE of the Majority OUGHT NOT TO PASS Report, in concurrence.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators GOULD, MAYBURY, PEARSON  
19 Senators having voted in the affirmative and  
13 Senators having voted in the negative, with 3  
Senators being absent, the motion by Senator  
TWITCHELL of Oxford, to ACCEPT the Majority OUGHT NOT  
TO PASS Report, in concurrence, PREVAILED.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on TAXATION on Bill "An Act  
Relating to Tax Exemptions" (Emergency)

H.P. 1362 L.D. 1864

Reported that the same Ought to Pass, pursuant to  
Joint Order H.P. 1268.

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.

Under suspension of the Rules, the Bill READ  
TWICE and PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, sent 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 As Amended

The Committee on BUSINESS LEGISLATION on Bill "An  
Act to Regulate the Profession of Accounting"

H.P. 644 L.D. 867

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-353).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-353)

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-353) READ and ADOPTED,  
in concurrence.

Under suspension of the Rules, the Bill READ A  
SECOND TIME and PASSED TO BE ENGROSSED, as Amended,  
in concurrence.

Under suspension of the Rules, ordered sent  
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 As Amended

The Committee on HUMAN RESOURCES on Resolve, to  
Establish the Commission on Children in Need of  
Supervision and Treatment (Emergency)

H.P. 598 L.D. 809

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-351).

Comes from the House, with the Report READ and  
ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-351) AS AMENDED  
BY HOUSE AMENDMENT "A" (H-354) thereto.

Which Report was READ and ACCEPTED, in  
concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-351) READ.

House Amendment "A" (H-354) to Committee  
Amendment "A" (H-351) READ.

On motion by Senator GAUVREAU of Androscoggin,  
Tabled until Later in Today's Session, pending  
ADOPTION of House Amendment "A" (H-354) to Committee  
Amendment "A" (H-251), 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 Bill "An Act  
to Amend Maine's Radiation Protection Law"

H.P. 1081 L.D. 1472

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-352).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-352)

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-352) READ and ADOPTED,  
in concurrence.

Under suspension of the Rules, the Bill READ A  
SECOND TIME and PASSED TO BE ENGROSSED, as Amended,  
in concurrence.

Under suspension of the Rules, ordered sent  
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 As Amended

The Committee on ENERGY AND NATURAL RESOURCES on  
Bill "An Act to Establish a Comprehensive Ground  
Water Protection Plan"

H.P. 618 L.D. 836

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-350).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-350) AS AMENDED  
BY HOUSE AMENDMENT "A" (H-359) thereto.

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-350) READ.

House Amendment "A" (H-359) to Committee  
Amendment "A" (H-350) READ and ADOPTED, in  
concurrence.

Committee Amendment "A" (H-350) as Amended by  
House Amendment "A" (H-359), thereto ADOPTED, in  
concurrence.

Under suspension of the Rules, the Bill READ A  
SECOND TIME and PASSED TO BE ENGROSSED, as Amended,  
in concurrence.

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

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 Make Supplemental Allocations to the  
Department of Inland Fisheries and Wildlife for the  
Fiscal Years Ending June 30, 1988, and June 30, 1989

S.P. 627 L.D. 1848

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Address Productivity and Wage Adjustments for Hospitals, to Sunset the Maine Health Care Finance Commission and to Establish a Blue Ribbon Commission to Study the Regulation of Health Care Expenditures

H.P. 222 L.D. 290  
(C "A" H-324)

Senator BERUBE of Androscoggin moved to place this on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Subsequently, Senator BERUBE of Androscoggin requested and received Leave of the Senate to withdraw her motion to place the Bill on the SPECIAL APPROPRIATIONS TABLE.

On motion by Senator GAUVREAU of Androscoggin, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-324).

On further motion by same Senator, Senate Amendment "A" (S-203) to Committee Amendment "A" (H-324) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. All this amendment does is simply adjust downward the fiscal note on this legislation. Thank you.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-203) to Committee Amendment "A" (H-324) ADOPTED.

Committee Amendment "A" (H-324) as Amended by Senate Amendment "A" (S-203), 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.

Emergency

An Act to Strengthen the Lobster Hatchery Program

H.P. 1055 L.D. 1425  
(S "A" S-180)

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

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

Senate

Ought to Pass in New Draft

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Creating the Maine Low-level Radioactive Waste Authority" (Emergency)

S.P. 205 L.D. 561

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

S.P. 639 L.D. 1865

Which Report was READ and ACCEPTED.

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

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

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

SENATE PAPERS

Resolve, to Establish the Weatherization Services Study Committee (Emergency)

S.P. 640 L.D. 1866

Presented by President PRAY of Penobscot

Cosponsored by: Senator PEARSON of Penobscot

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

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:

Emergency

An Act Requiring that Informed Consent be Given to those Persons Tested for the Presence of Antibodies to HIV and to Make Technical Changes in the Chapter Dealing with AIDS

H.P. 1099 L.D. 1490  
(C "A" H-325)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. There was a typographical error in the body of L.D. 1490 as amended by Committee Amendment A, so for the Record I would like to clarify that it is the intent of the Legislature. Referring now to page six, line thirty-three, Committee Amendment A, bearing filing number H-325. On line thirty-three of that amendment the word and should be excised and in its place should be inserted the word an. Thank you.

Emergency Resolve

Resolve, to Establish a Commission to Study Health Services in Public Schools

H.P. 802 L.D. 1076  
(C "A" H-306)

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

Emergency Resolve

Resolve, to Establish the Juvenile Corrections Planning Commission

H.P. 1302 L.D. 1781  
(H "B" H-319)

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

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 Resolve

Resolve, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve Elementary and Secondary Curriculum to Better Prepare Maine Students for the World of Work

H.P. 1339 L.D. 1831

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Study the Need for Uniformity in Pesticide Regulation"

H.P. 1341 L.D. 1833

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

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 Organizational Status of the Bureau of Lottery within the Department of Finance"

H.P. 1256 L.D. 1714  
(C "A" H-312)

In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312) AS AMENDED BY HOUSE AMENDMENT "A" (H-356), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 Amend Certain Motor Vehicle Laws

H.P. 150 L.D. 191

(S "A" S-156 to C "A" H-275; S "A" S-157)

An Act to Require Community Mental Health and Mental Retardation Involvement in Social Services Planning

H.P. 386 L.D. 520  
(C "A" H-316)

An Act to Implement Certain Recommendations of the Judicial Council's Committee on the Collection of Fines

S.P. 397 L.D. 1216  
(C "A" S-205)

An Act to Revise the Maine Banking Law

S.P. 453 L.D. 1380  
(C "A" S-189)

An Act to Expand the Authority of the Board of Underground Storage Tank Installers

S.P. 477 L.D. 1440  
(C "A" S-199)

An Act to Improve the Ability of the Department of Agriculture, Food and Rural Resources to Respond Constructively to Complaints of Insect Infestation

S.P. 514 L.D. 1557  
(C "A" S-207)

An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens

S.P. 561 L.D. 1674  
(S "A" S-204)

An Act Dealing with the Authority of Harbor Masters

H.P. 1315 L.D. 1794  
(H "A" H-288; H "B" H-334)

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 Provide Funds to Map Significant Aquifers

H.P. 826 L.D. 1117  
(C "A" H-329)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Clarify the State's Responsibility to Establish Competitive Pay Schedules for State Teachers and Related Classifications

H.P. 884 L.D. 1185  
(C "A" H-305)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act Establishing the Maine Commission on Outdoor Recreation

S.P. 427 L.D. 1307  
(C "A" S-186)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Return to Maine Income Taxpayers the Additional Tax Payments Associated with Conformity to the United States Internal Revenue Code of 1986 for Tax Year 1987

H.P. 1050 L.D. 1413  
(C "A" H-330)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Revise the Harassment Law  
H.P. 1309 L.D. 1787  
(S "C" S-188)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Prohibit Drinking of Alcoholic Beverages in Motor Vehicles  
H.P. 590 L.D. 801  
(C "A" H-314)

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

An Act to Clarify Certain Sections of the Motor Vehicle Laws  
H.P. 1164 L.D. 1590  
(C "A" H-310)

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

An Act to Require Maintenance of Financial Responsibility by All Motorists  
S.P. 608 L.D. 1798  
(S "A" S-185)

At the request of Senator WEBSTER of Franklin, a Division was had. 21 Senators having voted in the affirmative and 8 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.

Senator BRANNIGAN of Cumberland moved that the Senate RECONSIDER whereby the Bill was PASSED TO BE ENACTED.

A Viva Voce Vote being had, the motion of Senator BRANNIGAN of Cumberland to RECONSIDER whereby the Bill was PASSED TO BE ENACTED, FAILED.

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 Provide for a Comprehensive Study of the Feasibility of Providing Detention Facility Services for Aroostook County by Private Contract  
S.P. 607 L.D. 1797  
(S "A" S-198 to H "A" H-321)

An Act to Clarify the Conditions Under Which a Juvenile may be Detained  
S.P. 619 L.D. 1820

An Act Concerning the Use of Tributyltin as an Antifouling Agent  
H.P. 1335 L.D. 1825  
(H "A" H-326)

An Act to Revise the Laws Concerning Transportation by Water in Casco Bay and to Study Related Issues  
H.P. 1336 L.D. 1826  
(H "A" H-327)

An Act to Establish the Bureau of Intergovernmental Drug Enforcement within the Department of Public Safety  
S.P. 626 L.D. 1837

An Act to Provide for the Inventory of State-owned Land for Various Uses  
H.P. 1344 L.D. 1838

An Act Concerning Public Violations at the Capitol Complex  
H.P. 1347 L.D. 1841  
(S "A" S-200)

An Act Concerning the Harrison Water District  
H.P. 1349 L.D. 1843

An Act Relating to Independent Contractors under the Workers' Compensation Act  
H.P. 1350 L.D. 1844

An Act to Amend the Law Relating to Group Life and Health Insurance  
H.P. 1351 L.D. 1845

An Act to Enhance Educational Opportunity for Disabled Students  
S.P. 629 L.D. 1850

An Act to Authorize the State Bureau of Identification to Charge Fees to Nongovernmental Agencies for Services  
S.P. 631 L.D. 1852

An Act to Clarify the Authority of Municipalities to Construct Sewer Systems or Sewage Disposal Systems  
H.P. 1355 L.D. 1854

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 Create an Agricultural Market Research and Development Fund Program  
H.P. 1337 L.D. 1827

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

An Act to Amend the Aquaculture Leasing Statutes  
H.P. 1346 L.D. 1840

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Clarify the Freedom of Access Law  
S.P. 628 L.D. 1849

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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 Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities  
S.P. 610 L.D. 1800  
(S "A" S-165; H "B" H-337)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds

S.P. 618 L.D. 1819  
(H "A" H-333)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1988

H.P. 1340 L.D. 1832

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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 Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1987, June 30, 1988 and June 30, 1989

H.P. 1342 L.D. 1834

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

Emergency

An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Law

S.P. 624 L.D. 1836

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine

S.P. 576 L.D. 1717  
(S "A" S-152; S "C" S-155; S "D" S-164; S "E" S-167; S "F" S-168 to C "A" S-147)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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:

ENACTORS

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

Emergency

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws

S.P. 590 L.D. 1743  
(H "A" H-291; S "A" S-166)

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

Joint Resolution

The Following Joint Resolution: H.P. 1363

JOINT RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE PRICE-ANDERSON ACT

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows:

WHEREAS, one commercial nuclear reactor is currently licensed to operate in the State of Maine; and

WHEREAS, accidents at both commercial and federal nuclear facilities, and in the transportation of nuclear materials, may result in serious injury to or loss of property, personal injury or death, damage to the public health, environment or economic well-being and substantial expenditure of state and local funds for emergency response, cleanup and other similar expenses; and

WHEREAS, government studies have shown that damages from severe nuclear accidents at commercial nuclear power plants could well exceed tens of billions of dollars; and

WHEREAS, the United States Department of Energy has not determined the extent of loss which may occur from accidents involving the transportation, storage or disposal of high-level nuclear waste under the Nuclear Waste Policy Act; and

WHEREAS, the Price-Anderson Act limits liability to approximately \$665,000,000 for accidents at commercial nuclear reactors and to \$500,000,000 for accidents at the United States Department of Energy nuclear facilities; and

WHEREAS, the Federal Government maintains that liability for accidents involving the transportation, storage and disposal of nuclear waste is also covered by the Price-Anderson Act and is limited to \$500,000,000; and

WHEREAS, individuals, states and localities are prohibited from suing members of the nuclear industry, the United States Department of Energy, federal contractors or any other responsible party for damages in excess of the liability limits, even if the accident was caused by recklessness or negligence; and

WHEREAS, no insurance company in the world, including Lloyd's of London, will insure homes, businesses or property against the risks of nuclear accidents; and

WHEREAS, there is no assurance that victims of any severe nuclear accident would be fully and promptly compensated for their injuries and losses; and



WHEREAS, Congress is now considering amendments to the Price-Anderson Act; now, therefore, be it

RESOLVED: That We, your Memorialists urge Congress to enact legislation that amends the Price-Anderson Act according to the following principles.

1. Full and timely compensation for all parties injured by any nuclear accident and full reimbursement for federal, state and local government expenditures incurred as a result of any nuclear accident should be provided for.

2. Companies that transport nuclear materials and design, build and operate commercial nuclear power plants should be held accountable for any damages they cause to the public.

3. The Federal Government should be fully and strictly liable for any losses resulting from the activities of the United States Department of Energy or its contractors, including the transportation, storage and disposal of high-level nuclear waste and spent fuel. The Federal Government should be required to recover its losses from any contractor who causes the accident through negligence.

4. Payment of damages resulting from accidents involving the transportation, storage and disposal of high-level nuclear waste and spent fuel should be paid from the Nuclear Waste Fund created by the Nuclear Waste Policy Act of 1982, Public Law 97-425.

5. State, local and tribal governments and officials should be held harmless from any damage claims arising from accidents involving the transportation, storage and disposal of high-level nuclear waste and spent fuel.

6. The time period for filing damage claims should be 5 years from the point of discovery; and be if further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each member of Congress from the State of Maine, each chairman of congressional committees with jurisdiction over Price-Anderson legislation, the United States Department of Energy and the United States Nuclear Regulatory Commission.

Comes from the House READ and ADOPTED.

Which was READ.

Senator PERKINS of Hancock requested a Division.

On motion by Senator KANY of Kennebec, 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. The Joint Resolution before you has to do with the Price-Anderson Act. The Price-Anderson Act expires on August 1 of this year and Congress is currently working on provisions of it. Our Advisory Commission on radioactive waste at our meeting earlier this week determined that we should advise the Congressional Delegation on what we believe was appropriate action in order to protect the citizens of the state of Maine and citizens throughout the United States on nuclear waste accidents, transportation and so on. These particular provisions were decided upon when a letter was circulated that people were willing to go along with these specific provisions. In the various committees in Congress one of the items of controversy is that contractors now generally are not liable even if they are negligent, if they are Department of Energy contractors, for any nuclear facility.

We are talking here not only about commercial nuclear power plants, we are talking about low level radioactive waste disposal facilities potentially

about high level radioactive waste disposal facilities. Transportation of waste manufacturing of plutonium and other Department of Energy weapons facilities involving nuclear materials.

I do believe that this is something that certainly all of our Congressional Delegation and our Governor can easily live with since they are very much informed about these matters and they would want to make certain that people of the state of Maine are fully protected from any problems that arise from dealing with nuclear materials. I do urge you to go along with this particular resolution and I haven't heard anybody indicate that there is anything harmful in it and yet since Congress must reauthorize if they want to keep limited liability for any of the nuclear facilities by August 1, then they must do so by then. I think that they do because insurance is simply not available any place for the commercial nuclear facilities and certainly we would want any victims to be compensated. I urge you to go along with this resolution.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. Essentially this resolution is an insurance Bill. What it does, what the federal government has chosen to do, is to limit liability in those cases where the market is not capable for supplying insurance that is suggested for the particular job that is in place, or about to be done. In some fashion it is similar to all of the different liability limitations that we have been suggesting for doctors, dentists, hospitals and amusements parks and for hard to get insurance because the market is not capable of providing that. So, we are dealing in the present Legislature with attempts to limit liability. This is what the federal government chose to do when they enacted the Price-Anderson Act some years ago. If you take the limits out, then you can forget about anything being done, with respect to this type of activity. If you want to do that, that is well and good, but I suggest that there are occasions in existing contracts and existing construction proposals and later perhaps of methods of disposal where you won't find anybody to perform these things, if you don't provide for them this limitation of liability. That is what this is all about. Thank you Mr. President.

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

Senator KANY: Thank you Mr. President and members of the Senate. That is precisely what this is all about, limiting liability, but at a higher level than the current Price-Anderson Act, which does expire. It also would make certain that the federal government if there are victims and of course there is basically sovereign immunities, so if that is not addressed in the federal legislation, than victims could be uncompensated.

I am sure that if everybody goes through this, carefully, they will see that there is probably not anything that they would object to and that this is a good recommendation to give, not only to our own Congressional Delegation, of which I personally have great faith in their ability to make wise decisions knowing that they would want people to be fully compensated and yet that they would want a Price-Anderson limitation to be effect, but in a higher than current level.

It is to the others, which this resolution is addressed and I believe it will be most helpful. I was not part of the initiating of this, I understand such a resolution did go through the New Hampshire Legislature, but it is part of a perhaps national

attempt to try to bring about reasonable, good legislation since Congress is taking action at this time.

THE PRESIDENT: The pending question before the Senate is ADOPTION of the Joint Resolution.

A vote of Yes will be in favor of ADOPTION.

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

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

ABSENT: Senators GOULD, MAYBURY, PEARSON

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the Joint Resolution was ADOPTED, in 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 Make Substantive Changes in the Liquor Laws

H.P. 1348 L.D. 1842  
(S "B" S-210)

An Act to Extend the Period of Anticipatory Borrowing by Municipalities

S.P. 633 L.D. 1855

An Act to Amend the Maine Product Liability Risk Retention Act

S.P. 635 L.D. 1858

An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care

S.P. 636 L.D. 1859

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 Correct, Amend and Improve the Laws Relating to Education

S.P. 552 L.D. 1658  
(C "A" S-192)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Resolve

Resolve, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees

S.P. 634 L.D. 1856

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

Resolve

Resolve, Establishing the Maine Commission of Forest Land Taxation

S.P. 632 L.D. 1853

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

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

COMMITTEE REPORT

House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property"

H.P. 485 L.D. 652

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-358).

Signed:

Senators:

TWITCHELL of Oxford

DOW of Kennebec

SEWALL of Lincoln

Representatives:

MAYO of Thomaston

SWAZEY of Bucksport

NADEAU of Saco

DORE of Auburn

DUFFY of Bangor

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

Signed:

Representatives:

JACKSON of Harrison

INGRAHAM of Houlton

SEAVEY of Kennebunkport

ZIRNKILTON of Mount Desert

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-358).

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-358) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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 Laws Administered by the Department of Environmental Protection"

H.P. 1251 L.D. 1709

(S "A" S-182 to C

"A" H-311; H "A"

H-328)

In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AND HOUSE AMENDMENT "A" (H-328).

In Senate, June 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS AMENDED BY SENATE AMENDMENT "A" (S-182) thereto, AND HOUSE AMENDMENT "A" (H-328) in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

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

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 Amend the Maine Vocational-Technical Institute System Laws" (Emergency)

H.P. 1185 L.D. 1615

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-361).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-361) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Maine Recreation and Natural Heritage Fund"

H.P. 995 L.D. 1341

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-362).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-362) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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 15, 1987

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

House Paper 869, Legislative Document 1170, AN ACT to Increase the Minimum Wage, 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-six voted in favor and sixty-one 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:

ENACTORS

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

An Act to Allow the Treasurer of State to Vote on Certain State Boards

H.P. 902 L.D. 1203  
(C "A" H-313)

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

Senator KANY: Thank you Mr. President and members of the Senate. The Bill that is before us is the Act to Allow the Treasurer of State to Vote on Certain State Boards and I plan to vote for this Bill and enactment today. But in doing so, I would like to state on the Record for any further action that I am doing so with the understanding that a State Treasurer, if his statutory duties would convict with those of the statutory responsibilities on the Boards on which he would be voting, that he would select to choose to allow his Treasurers duties to prevail and in voting he would vote first of all, with the responsibilities of the State Treasurer in mind.

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

An Act to Enhance the Maine Job Training Partnership Program

S.P. 417 L.D. 1275  
(C "A" S-175)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Amend the Teacher Certification Law

H.P. 1345 L.D. 1839

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Transfer Administrative Authority over Traffic Infractions to the Secretary of State

H.P. 1343 L.D. 1835

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

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

Senator CAHILL: Thank you Mr. President, men and women of the Senate. What this Bill does is it attempts to take some of the traffic infractions that are currently handled in the court system and put them over into the Secretary of State's Office, while I agree with that philosophically, I don't agree with where the funding is coming from. This would take nearly \$170,000 from the highway fund to fund nine positions in the Secretary of State's Office. Any revenues collected from this, from fines and whatever, would go directly to the general fund. Some of us feel, on the Transportation Committee, that if the highway fund pays for these positions, they should also get the money from the fines.

Senator CAHILL of Sagadahoc moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

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

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. I hope we can shed as much light on this matter as which as shed on us. I am glad that this receives the approval of Senator Cahill, I would like to, so everybody agrees that we should transfer those kind of administrative traffic fines that are not going to be adjudicated, it is merely sending in your money, admitting that is the way it is going to do.

All of that administrative thing is taken out of the court and put in the hands of the Secretary of State's Office, where it ends up anyway. Everybody has agreed to that evidently, it is just the way the money is going to flow. It is my understanding that this doesn't take effect for some time and that the money issues were going to be settled between the Transportation Committee and the Appropriations Committee. They were going to be settled in a more fair, equitable way than it appears to be now.

The thing I like about this Bill, not only the streamlining taking some of this burden off the courts and putting it into the Secretary of State's Office where they are administratively set up to handle it, is an issue of when you go to court, if you are picked up for speeding or some other infraction like that, and if you do want to make a statement in court, if you do want to plead not guilty, right now you have to take a day off from work and you have to go and say not guilty, you Honor. Then a trial date will be set for you, you have to take another day off from work, you have to go back and plead your case. With this new streamline system, that won't happen, everything can be done by mail. If you don't want to agree that you are guilty and pay the fine, as most people do, then you would be able to write that in and you would be given a date to go to court. There would only be one time that you would have to go to court. I think everybody agrees that this is a good Bill, the Senator from Sagadahoc, herself, as agreed that it is a good Bill. I believe that the funding part of this is to be worked out and we shouldn't stop it at this point. We should go ahead with this.

Senator BRANNIGAN of Cumberland requested a Division.

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

A Division has been requested.

Will all those Senators in favor of the motion of Senator CAHILL of Sagadahoc to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion of Senator CAHILL of Sagadahoc to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, in concurrence, FAILED.

Which was PASSED TO BE ENACTED in NON-CONCURRENCE and having been signed by the President, was sent down for concurrence.

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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish a Compliance Schedule for Owners and Operators of Salt Storage Areas"

H.P. 296 L.D. 382

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

H.P. 1278 L.D. 1749

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-357).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-357) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill in NEW DRAFT READ A SECOND TIME and the NEW DRAFT PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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 15, 1987

Honorable Joy J. O'Brien

Secretary of the Senate

113th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1332) (L.D. 1822):

Representative BOST of Orono

Representative GWADOSKY of Fairfield

Representative MARSANO of Belfast

Sincerely,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: In reference to the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1332) (L.D. 1822):

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

Senator GAUVREAU of Androscoggin

Senator BRANNIGAN of Cumberland

Senator CLARK of Cumberland

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 Amend the Maine Optometric Code

H.P. 1338 L.D. 1828

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

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

Bill "An Act Relating to Boards and Commissions"  
H.P. 959 L.D. 1288  
(S "A" S-212 to H  
"A" H-336; C "A"  
H-295)

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295), in concurrence.

In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AND HOUSE AMENDMENT "A" (H-336) in NON-CONCURRENCE.

In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-336) AS AMENDED BY SENATE AMENDMENT "A" (S-212) thereto, AND COMMITTEE AMENDMENT "A" (H-295) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AND HOUSE AMENDMENT "C" (H-365) in NON-CONCURRENCE.

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

House Amendment "C" (H-365) READ and ADOPTED.

On motion by Senator TUTTLE of York, Senate Amendment "A" (S-202) READ and ADOPTED.

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

THE PRESIDENT: The Chair recognizes the same Senator.

Senator TUTTLE: Thank you Mr. President. All this amendment does, we deleted from section nineteen of the Bill in which a section had originally allowed for Legislative confirmation law. That was a mistake on our part and we have re-included it back into the Bill.

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

ORDERS OF THE DAY

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

Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime"

H.P. 1297 L.D. 1775

Tabled - June 15, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, June 12, 1987, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

(In Senate, June 12, 1987, PASSED TO BE ENACTED in NON-CONCURRENCE.)

(In House, June 15, 1987, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.)

On motion by Senator BRANNIGAN of Cumberland, the Senate ADHERED.

Sent down for concurrence.

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

Bill "An Act to Amend the State Retirement Laws"

S.P. 617 L.D. 1818

(H "A" H-335 to S  
"A" S-184)

Tabled - June 15, 1987, by Senator USHER of Cumberland.

Pending - Motion of Senator CLARK of Cumberland to RECONSIDER RECEDING and CONCURRING

(In Senate, June 15, 1987, RECEDED and CONCURRED.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

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

HELD BILL  
Emergency

An Act to Provide Discretion to the State Liquor Commission to Establish a Temporary Agency Liquor Store in Response to a Natural Disaster

H.P. 1311 L.D. 1789

(H "A" H-309)

(In Senate, June 15, 1987, FAILED OF PASSAGE TO BE ENACTED in NON-CONCURRENCE.)

(In House, June 15, 1987, PASSED TO BE ENACTED.)

On motion by the Chair, the Senate RECONSIDERED whereby the Bill FAILED OF PASSAGE TO BE ENACTED.

On motion by Senator DOW of Kennebec, Tabled 1 Legislative Day, pending ENACTMENT.

HELD BILL

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

Senator DOW: Thank you Mr. President, is the Senate in possession of L.D. 1741?

THE PRESIDENT: The Chair would answer in the affirmative, having been held at the Senators request.

On motion by Senator DOW of Kennebec, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED AS AMENDED:

Bill "An Act to Better Accommodate Over-order Milk Pricing"

H.P. 1274 L.D. 1741

(C "A" H-342)

(In Senate, June 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342), in concurrence.)

On motion by Senator DOW of Kennebec, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-342).

On further motion by same Senator, Senate Amendment "A" (S-217) to Committee Amendment "A" (H-342) READ and ADOPTED.

Committee Amendment "A" (H-342) as Amended by Senate Amendment "A" (S-217), 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.

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

Bill "An Act to Ensure Safe Management, Recycling and Disposal of Solid Waste and to Reorganize the Solid Waste Law"

H.P. 1360 L.D. 1862

Tabled - June 15, 1987, by Senator SEWALL of Lincoln.

Pending - PASSAGE TO BE ENGROSSED

(In House, June 15, 1987, PASSED TO BE ENGROSSED.)

(In Senate, June 15, 1987, under suspension of the Rules, READ TWICE.)

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
89th Legislative Day  
Tuesday, June 16, 1987

The House met according to adjournment and was called to order by the Speaker pro tem.  
Prayer by Reverend Sarah Foulger, Mid-Coast Presbyterian Church, Topsham.  
The Journal of Monday, June 15, 1987, was read and approved.  
Quorum call was held.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

Later Today Assigned  
COMMUNICATIONS

The following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
04333  
June 15, 1987

To the Honorable Members of the 113th Maine Legislature:

I am returning, without my signature or approval, H.P. 1310, L.D. 1788, "AN ACT to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants." This bill, while addressing some of the concerns enumerated in my objections to its predecessor, L.D. 1400, still is fatally flawed. I remain deeply concerned about the State's strong public policies against drug abuse and work place safety and cannot endorse any legislation which, in my judgment, does not address those issues.

I repeatedly have expressed support for legislation which would require written testing policies, probable cause for the testing of employees who do not hold safety-sensitive positions, reliable testing procedures and the confidential treatment of test results. Legislation being considered for admission by the Legislative Council properly addresses these issues, and has my support.

I also have been firm in my resolve to preserve employers' rights to ensure work place safety. That, indeed, is my primary concern. The safety of fellow workers and fellow citizens is of paramount importance and should, in my opinion, be the State's first priority.

For the foregoing reasons, I respectfully request that you sustain my veto of L.D. 1788.

Sincerely yours,  
S/John R. McKernan, Jr.  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants" (H.P. 1310) (L.D. 1788).

Was read.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

The following items appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:  
The Senate of Maine  
Augusta

June 15, 1987

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

The Committee on HUMAN RESOURCES on Resolve, to Establish the Commission on Children in Need of Supervision and Treatment (Emergency)

H.P. 598 L.D. 809

Tabled - June 15, 1987, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION of House Amendment "A" (H-354) to Committee Amendment "A" (H-351)

(In House, June 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351) AS AMENDED BY HOUSE AMENDMENT "A" (H-354), thereto.)

(In Senate, June 15, 1987, the Report READ and ACCEPTED, the Resolve READ ONCE. Committee Amendment "A" (H-351) READ. House Amendment "A" (H-354) to Committee Amendment "A" (H-351) READ.)

On motion by Senator GAUVREAU of Androscoggin, House Amendment "A" (H-354) to Committee Amendment "A" (S-351) ADOPTED, in concurrence.

Committee Amendment "A" (S-351) as Amended by House Amendment "A" (H-354), thereto ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

Bill "An Act to Amend the State Retirement Laws"

S.P. 617 L.D. 1818

(H "A" H-335 to S "A" S-184)

Tabled - June 15, 1987, by Senator CLARK of Cumberland.

Pending - Motion of same Senator to RECONSIDER RECEDING and CONCURRING

(In Senate, June 15, 1987, RECEDED and CONCURRED.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative, pending the motion of the same Senator to RECONSIDER RECEDING and CONCURRING.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, June 16, 1987, at 1:00 in the afternoon.