

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

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

In Senate Chamber
Friday
October 9, 1987

In Compliance with a proclamation of His Excellency, Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber at 10 o'clock in the morning.

Senate called to Order by the President.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

REVEREND STANLEY: Let's bow in prayer. Our gracious God, we bow before You on this glorious day as we begin to do the work we have been called to do. Some have traveled great distances and feel weary, some have left family, friends and neighbors who are facing personal struggles, illness or tragedy, some feel strong and refreshed. But now as we seek Your presence with us, we all express our need for You. We need Your wisdom, we need Your strength and we need Your peace, not only for ourselves but for the people of this great neighborhood, the State of Maine. We pray these things in the power of Your love. Amen.

The Secretary will read the Proclamation.

State of Maine
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of agreements between the State of Maine and several labor organizations representing State employees relating to the compensation and fringe benefits for over 13,000 employees; and

WHEREAS, the laws of the State of Maine require legislative approval of certain financial provisions of any contract between the State and an employee organization; and

WHEREAS, the Legislature must approve the Commissioner of Administration's modified plan for the continued removal and containment of asbestos in state facilities and must authorize additional expenditures pertaining thereto; and

WHEREAS, during the closing days of the First Regular Session, a transcribing error was made in the solid waste bill (Chapter 517, P.L. 1987) that could create serious problems if not corrected soon; and

WHEREAS, the 113th Legislature instituted an excise tax on mahogany quahogs as part of an emergency bill (Chapter 513, P.L. 1987) while intending that the tax not take effect until 90 days after adjournment; and

WHEREAS, the simultaneous enactment of a Taxation Committee bill on various tax exemptions (Chapter 343, P.L. 1987) and the recodification of the lottery law (Chapter 505, P.L. 1987) resulted in the unintended reenactment of the exemption of lottery winnings from state income taxation; and

WHEREAS, it is now deemed to be in the State's best interest to deauthorize an unused General Fund bond issue related to the acquisition of certain rail lines (Chapter 75, P & S 1985) and reimburse the Department of Transportation for authorized expenditures made pursuant thereto from resources expected to be available during the present biennium rather than to issue bonds for this purpose;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of the

constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representative to assemble in their respective chambers at the Capitol in Augusta on Friday, the ninth (9th) day of October, 1987 at ten (10) o'clock in the morning, in order to receive communications, enact a collective bargaining bill, modify the plan for the continued removal and containment of asbestos in state facilities, correct a transcribing error in the solid waste legislation, correct an error in the effective date for collection of the mahogany quahog tax, correct an error in the laws relating to the taxation of lottery winnings, deauthorize a bond issue for the purchase of certain rail lines and authorize an appropriation from available resources to reimburse the Department of Transportation for such purchase and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-first day of September in the Year of our Lord One Thousand Nine Hundred and Eighty-Seven.

S/JOHN R. MCKERNAN, JR.
Governor

Attest: S/Linwood F. Ross
Deputy Secretary of State

Which was READ and ORDERED PLACED ON FILE.

At this point, a message was received from the House of Representatives borne by Representative DIAMOND of Bangor, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

The Roll being called, the following Senators answered to their name:

ROLL CALL

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

29 Senators having answered to the Roll, the President declared that a quorum was present.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to His Excellency, Governor McKernan. The Sergeant-at-Arms escorted the Senator to the Governor's office.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message. The Sergeant-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from York, Senator DUTREMBLE reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.P. 663

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 1, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 1, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Adjust General Fund Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines" (Emergency) (S.P. 662) (L.D. 1892) (Presented by Senator EMERSON of Penobscot) (Cosponsors: Representative CARTER of Winslow, Senator PEARSON of Penobscot, Representative HIGGINS of Scarborough)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 665

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 2, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 2, 1987 as follows:

BUSINESS LEGISLATION

Bill "An Act to Alter the Effective Date of Extension of Maine's Bottle Bill" (S.P. 664) (L.D. 1893) (Presented by Senator CLARK of Cumberland) (Approved for Introduction by a majority of the Legislative Council pursuant to Joint Rule 26).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 668

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 2, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on October 2, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency) (S.P. 666) (L.D. 1897) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative MURPHY of Kennebunk, Senator PERKINS of Hancock, Speaker MARTIN of Eagle Lake)

TRANSPORTATION

Bill "An Act to Amend the Motor Vehicles Laws" (Emergency) (S.P. 667) (L.D. 1900) (Presented by Senator DOW of Kennebec) (Cosponsored by: Representative MOHOLLAND of Princeton, Representative STROUT of Corinth, Representative CALLAHAN of Mechanic Falls) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 670

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 5, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 5, 1987 as follows:

ENERGY AND NATURAL RESOURCES

Bill "An Act to Extend the Reporting Deadline for Adoption of a Plan by the Maine Low-level Radioactive

Waste Authority" (Emergency) (S.P. 669) (L.D. 1901) (Presented by Senator USHER of Cumberland) (Cosponsored by: Representative DEXTER of Kingfield, Representative MICHAUD of East Millinocket, Senator LUDWIG of Aroostook)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 676
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
October 6, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 6, 1987 as follows:

LABOR

Bill "An Act to Reduce the Potential for Violence during Labor Disputes" (Emergency) (S.P. 671) (L.D. 1902) (Presented by Senator KANY of Kennebec) (Cosponsored by: Senator ERWIN of Oxford, President PRAY of Penobscot, Representative PRIEST of Brunswick) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 678
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
October 6, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on October 6, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations" (Emergency) (S.P. 675) (L.D. 1908) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative NADEAU of Lewiston, Representative BOUTILIER of Lewiston) (Approved for

Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

EDUCATION

Bill "An Act to Require the Department of Educational and Cultural Services to Promulgate Rules Necessary to Implement Legislation Enacted During the First Regular Session Concerning Certified Nursing Assistants" (Emergency) (S.P. 672) (L.D. 1905) (Presented by Senator GAUVREAU of Androscoggin) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

STATE AND LOCAL GOVERNMENT

Bill "An Act Authorizing Certain Debt of the County of Piscataquis for Renovation and Expansion of Jail Facilities and Ratifying Certain Action Taken by Piscataquis County in Connection with the Authorization of this Debt" (Emergency) (S.P. 673) (L.D. 1906) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative THISTLE of Dover-Foxcroft, Representative HUSSEY of Milo, Representative GOULD of Greenville) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

UTILITIES

Bill "An Act to Correct the Sewer Lien Law" (Emergency) (S.P. 674) (L.D. 1907) (Presented by President PRAY of Penobscot) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 681
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
October 6, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill and one resolve was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill and resolve was referred to the Joint Standing Committee and ordered printed on October 6, 1987 as follows:

BANKING AND INSURANCE

Bill "An Act to Exempt the First Certificate of Need Continuing Care Retirement Community Demonstration Project from Certain Requirements" (Emergency) (S.P. 679) (L.D. 1909) (Presented by Senator PERKINS of Hancock) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

STATE AND LOCAL GOVERNMENT

Resolve, to Extend the Reporting Deadline of the Weatherization Services Study Committee (Emergency) (S.P. 680) (L.D. 1910) (Presented by President PRAY of Penobscot) (Cosponsored by: Speaker MARTIN of Eagle Lake, Senator EMERSON of Penobscot, Representative BAKER of Portland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 682
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

October 8, 1987

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

This is to inform you that I have made the following appointments:

Pursuant to my authority under Chapter 39 of the Resolves of 1987, to the Commission on Sports Fisheries.

July 13, 1987,

Senator Edgar E. Erwin of Franklin
Senator Pamela Lee Cahill of Cumberland

Pursuant to my authority under Chapter 46 of the Private and Special Laws of 1987, to the Aroostook County Detention Commission.

July 13, 1987,

Senator Raynold Theriault of Aroostook
Senator Margaret G. Ludwig of Aroostook

Pursuant to my authority under Chapter 47 of the Resolves of 1987, to the Commission on the Feasibility of Constructing a Highway to the St. John Valley.

July 13, 1987,

Senator Raynold Theriault of Aroostook

Pursuant to my authority under Chapter 52 of the Resolves of 1987, to the 9-1-1 Study Commission.

July 13, 1987,

Senator John M. Kerry of York

Pursuant to my authority under Chapter 54 of the Resolves of 1987, to the Commission on Radon.

July 13, 1987,

Senator Judy C. Kany of Kennebec
Senator Margaret G. Ludwig of Aroostook

Pursuant to my authority under Chapter 56 of the Resolves of 1987, to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

July 20, 1987,

Senator Beverly Miner Bustin of Kennebec

July 21, 1987,

Senator Barbara A. Gill of Cumberland

Pursuant to my authority under Chapter 58 of the Public Laws of 1987, to the Maine Committee on Aging.

July 20, 1987,

Senator Nancy Randall Clark of Cumberland

Pursuant to my authority under Chapter 60 of the Resolves of 1987, to the Commission on Maine's Future.

July 13, 1987,

Senator Michael D. Pearson of Penobscot
Senator Judy C. Kany of Kennebec

July 22, 1987,

Senator Thomas R. Perkins of Hancock

August 14, 1987,

Mr. Anthony Buxton of Portland
Mr. Dennis King of Yarmouth
Mr. George Boyce of Auburn

September 1, 1987,

Ms. Dori Corliss of Dover-Foxcroft

September 25, 1987,

Mr. William Seretta of Yarmouth

Mr. Edward Kane of South Portland
Mr. David Cota of Greenville

Pursuant to my authority under Chapter 61 of the Resolves of 1987, to the Joint Select Committee to Study the Costs of Providing Benefits and Compensation Under the Workers' Compensation Act.
July 13, 1987,

Senator Donald F. Collins of Aroostook
Senator Raynold Theriault of Aroostook

Pursuant to my authority under the Resolves of 1987, Chapter 62, to serve on the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.
July 30, 1987,

Senator Beverly Miner Bustin of Kennebec

Pursuant to my authority under Chapter 63 of the Resolves of 1987, to the Special Commission to Study the Use of State Valuation in Allocation of State Funding among Municipalities.

July 13, 1987,

Senator R. Donald Twitchell of Oxford
Senator Edwin C. Randall of Washington
Senator Stephen C. Estes of York

Pursuant to my authority under Chapter 66 of the Resolves of 1987, to the Commission to Study Health Services in Public Schools.

July 22, 1987,

Senator Stephen C. Estes of York
Senator Mary-Ellen Maybury of Penobscot

Pursuant to my authority under Chapter 67 of the Resolves of 1987, to the Maine Commission on Forest Land Taxation.

July 13, 1987,

Senator Ronald E. Usher of Cumberland
Senator R. Donald Twitchell of Oxford
Senator Charlotte Zahn Sewall of Lincoln

Pursuant to my authority under Chapter 68 of the Private and Special Laws of 1987, to the Maine Commission on Outdoor Recreation.

July 22, 1987,

Senator Zachary Matthews of Kennebec
Senator Charles G. Dow of Kennebec
Senator R. Donald Twitchell of Oxford
Mr. Darrell Morrow of Millinocket

Pursuant to my authority under Chapter 68 of the Resolves of 1987, to the Juvenile Corrections Planning Commission.

July 13, 1987,

Senator Beverly Miner Bustin of Kennebec
Senator Jerome A. Emerson of Penobscot

Pursuant to my authority under Chapter 69 of the Resolves of 1987, to the Commission on Children in Need of Supervision and Treatment.

July 13, 1987,

Senator Joseph C. Brannigan of Cumberland
Senator Barbara A. Gill of Cumberland

Pursuant to my authority under Chapter 69 of the Private and Special Laws of 1987, to the Legal Affairs Subcommittee to Study Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages.

July 22, 1987,

Senator Robert G. Dillenback of Cumberland
Senator Stephen C. Estes of York

Pursuant to my authority under Chapter 71 of the Resolves of 1987, to the Weatherization Services Study Committee.

July 13, 1987,

Senator Michael D. Pearson of Penobscot
Senator Jerome A. Emerson of Penobscot

Pursuant to my authority under Chapter 72 of the Resolves of 1987, to the Commission to Study the Use of Involuntary Services for Substance Abusers.

July 10, 1987,
Senator Zachary Matthews of Kennebec
July 20, 1987,
Lynn Duby of Augusta
Betty McLaughlin of Haynesville
Pursuant to my authority under Chapter 347 of the
Public Laws of 1987, to the Special Select Commission
on Access to Health Care.

July 13, 1987,
Senator N. Paul Gauvreau of Androscoggin
Pursuant to my authority under Chapter 349 of the
Public Laws of 1987, to the Commission to Study the
Impact of Game and Non-game Species on Maine's
Economy.

July 13, 1987,
Senator R. Donald Twitchell of Oxford
Senator Edgar E. Erwin of Franklin
Senator Pamela Lee Cahill of Sagadahoc
Pursuant to my authority under Chapter 439 of the
Public Laws of 1987, to the Therapeutic
Pharmaceutical Monitoring Panel.

September 1, 1987,
Senator John E. Baldacci of Bangor
Pursuant to my authority under Chapter 440 of the
Public Laws of 1987, to serve on the Blue Ribbon
Commission to Study the Regulation of Health Care
Expenditures.

July 13, 1987,
Robert McReavy of Dover-Foxcroft
Senator N. Paul Gauvreau of Androscoggin
Pursuant to my authority under Chapter 443 of the
Public Laws of 1987, to the Commission to Advise the
Department of Human Services on AIDS.

July 13, 1987,
Senator Barbara A. Gill of Cumberland
Pursuant to my authority under Chapter 445 of the
Public Laws of 1987, to the Site Selection Advisory
Committee.

July 20, 1987,
Senator Charlotte Zahn Sewall of Lincoln
Pursuant to my authority under Chapter 471 of the
Public Laws of 1987, to serve as my designee on the
Human Resource Development Council.

July 22, 1987,
Senator Dennis L. Dutremble of York
Pursuant to my authority under Chapter 484 of the
Public Laws of 1987, to the Maine Transportation
Capitol Improvement Planning Commission.

July 13, 1987,
Senator Raynold Theriault of Aroostook
Senator Charles G. Dow of Kennebec
Pursuant to my authority under Chapter 498 of the
Public Laws of 1987, to the Maine Health Policy
Council.

July 20, 1987,
Senator N. Paul Gauvreau of Androscoggin

July 22, 1987,
Mr. James Coffey of Bangor
Pursuant to my authority under Chapter 514 of the
Public Laws of 1987, to the Maine Commission on Land
Conservation and Economic Development.

July 13, 1987,
Senator R. Donald Twitchell of Oxford
Senator John L. Tuttle, Jr. of York
Senator Margaret G. Ludwig of Aroostook
Pursuant to my authority under M.R.S.A. 37B, Section
954, to the Radiological Emergency Preparedness
Committee.

August 17, 1987,
Senator Judy C. Kany of Kennebec
Pursuant to my authority under M.R.S.A. 5, Section
7021, to the Maine Commission for Women.

August 12, 1987,

Honorable Stephanie Locke of Sebec
Ms. Yolanda Bulley of Millinocket
If you have any questions, please contact my
office.
Sincerely,
S/Charles P. Pray
President of the Senate
Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

Off Record Remarks

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

The Following Communication:

STATE OF MAINE
DEPARTMENT OF STATE
DIVISION OF PUBLIC ADMINISTRATION
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333

August 25, 1987

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Secretary O'Brien:
Enclosed you will find a certified copy of the
agreements submitted to this office by the
Passamaquoddy Tribe and the Penobscot Nation whereby
they agree to the provisions of Chapter 153 of the
Public Laws of 1987 pursuant to the United States
Code, Title 25, Section 1725(e)(1).

Sincerely,
S/Peter W. Danton
Deputy Secretary of State

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

OFFICE OF THE GOVERNOR AND COUNCIL
PENOBSCOT INDIAN NATION
COMMUNITY BUILDING
OLD TOWN, MAINE 04468

August 12, 1987

Ms. Joy O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Ms. O'Brien:
Enclosed is Resolution Number 8-11-87-1 of the
Penobscot Nation. This resolution duly ratifies P.L.
1987, Chapter 153, L.D. 1511, Section 2.

This resolution serves to notify you that the
ratification has been submitted within the sixty (60)
day time limit. Thank you.

Sincerely,
S/Priscilla Attean
Representative

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

RESOLUTION
NUMBER 08-11-87-01
OF THE PENOBSCOT NATION

WHEREAS, The Penobscot Nation is a federally
recognized Indian Tribe; and

WHEREAS, The Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation.

WHEREAS, The Penobscot Nation held a General Meeting August 11, 1987, for the purpose of approving or disapproving legislation that has been submitted to the 113th Legislature for the State of Maine;

THEREFORE, BE IT RESOLVED, The the Penobscot Nation approved S.P. 495-L.D. 1511; AN ACT To Extend the Time for Trust Land Designation.

CERTIFICATION

I, Lorraine Dana, hereby certify that I am the Tribal Clerk and official custodian of certain records, including Minutes of the Meetings of the Penobscot Indian Nation, a federally recognized and Sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that the foregoing is a true, accurate and compared transcript of a resolution contained in the Minute Book of the Nation, adopted at a General Meeting of said Nation duly held on the 11th day of August, 1987, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

S/Lorraine Dana
Tribal Clerk

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

The Following Communication:

CERTIFICATION

Pursuant to 3 M.R.S.A. §601, as the officer designated by the Passamaquoddy Tribe pursuant to 3 M.R.S.A. §602, I hereby certify that the Passamaquoddy Tribe approves the enactment of Chapter 153 of the Public Laws of Maine of 1987 pursuant to 25 U.S.C. §1725(e)(1). The approval was granted by resolution of the Joint Tribal Council of the Passamaquoddy Tribe dated June 25, 1987.

S/Wayne Newell
Certifying Officer
Passamaquoddy Tribe

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

August 19, 1987

Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Ms. O'Brien:

Enclosed please find a copy of the application submitted to the Bureau of Justice Assistance for funding under the State and Local Assistance for Narcotics Control Formula Grant Program.

Copies have also been forwarded to Senate President Pray and to Senators Michael Pearson and Thomas Perkins.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions from you, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,
S/John R. Atwood
Commissioner

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

The Following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333

October 8, 1987

Senator Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

I submit herewith the 67th Annual Report of the State Auditor for the fiscal year ended June 30, 1986.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,
S/Rodney L. Scribner, CPA
State Auditor

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

The Following Communication:

113th MAINE LEGISLATURE

October 8, 1987

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

This is to inform you that we have made the following appointments:

Pursuant to our authority under Chapter 39 of the Resolves of 1987, to the Commission on Sport Fisheries.

Senator Edgar E. Erwin of Oxford
Senator Pamela L. Cahill of Sagadahoc
Representative James Reed Coles of Harpswell
Representative Ernest C. Greenlaw of Standish

Pursuant to our authority under Chapter 46 of the Private and Special Laws of 1987, to the Aroostook County Detention Commission.

Eugene Conlogue of Presque Isle
David Soucy of Fort Kent
Honorable Michael E. Carpenter of Houlton
Paul Adams of Houlton

Pursuant to our authority under Chapter 47 of the Resolves of 1987, to the Commission to Study the Feasibility of Constructing a 4-Lane Highway from Interstate 95 to the St. John Valley.

Gregory J. Cyr of Portage
Philip Marquis of Fort Kent as a member from Aroostook County

Pursuant to our authority under Chapter 56 of the Resolves of 1987, to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

Brian Rines of South Gardiner
Marc Plourde of Eagle Lake
Peggy Welch of Rumford to represent the Maine Council on Community Mental Health Services.
Amory Houghton, III of Portland to represent the Mental Health Advisory Council.

Charles Ferguson of Augusta to serve as one of the public members.

Dr. Janet Ordway of Bangor to serve as the Psychiatrist representative.

Douglas Denning of Bangor to serve as one of the

public members.

Joan Pederson of Bangor to serve as the Maine State Alliance for the Mentally Ill representative.

Kelsey Orestis of Lewiston to serve as a representative of consumers.

Ms. Marion McCue of Portland to represent the Portland Coalition of the Psychiatrically Labeled.

Pursuant to our authority under Chapter 62 of the Resolves of 1987, to the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

Ardis Polk of Bradford
Belle Rush of Millinocket
Brenda Farrington of Augusta
Steve Tremblay of Cape Elizabeth
Joan Derringer of Old Town
Roland A. Ouellette of Jay
Betty Currie of Augusta
Carol Boston of Augusta
Steve Richard of Presque Isle
Robert Shore of Gardiner

Pursuant to our authority under Chapter 64 of the Resolves of 1987, to the Special Commission to Study School-entrance Age and Preschool Services.

Representative Marge L. Kilkelly of Wiscasset
Representative James R. Handy of Lewiston
Representative Omar P. Norton of Winthrop

Ms. Janie Lander of Monson
Belinda Carter of Washburn
Lynn Morneault of Skowhegan
Dr. Roland Burns of Fort Kent

Senator Stephen C. Estes of York
Senator Edwin C. Randall of Washington
Ms. Patricia Lemaire of Lewiston to serve as the kindergarten teacher representative.

Dr. Ralph Ryder of Millinocket to serve as school superintendent representative.

Ms. Roberta Flynn of Bangor to serve as the administrator of a publicly funded day care center representative. (She will replace Kenneth Cole, who is not able to serve in this position.)

Laurel Daigle of Fort Kent
Paul Frost of Stonington

Ms. Robin Boobar of St. Albans to serve as the representative of a local coordinating committee of a pre-school coordination project.

Pursuant to our authority under Chapter 68 of the Public Laws of 1987, to the Committee to Study the Retirement System.

Mr. Peter Leslie of Cape Elizabeth

Pursuant to our authority under Chapter 69 of the Resolves of 1987, to the Commission on Children in Need of Supervision and Treatment.

Representative Dale F. Thistle of Dover-Foxcroft to serve as Chair.

Pursuant to our authority under Chapter 71 of the Resolves of 1987, to the Weatherization Services Study Committee.

Norman Fournier of Wallagrass to serve as the Maine Community Action Association representative

Mr. T. J. Martzial of Bangor
Mr. James Sullivan of Wellington

Pursuant to our authority under Chapter 347 of the Public Laws of 1987, to the Special Select Commission on Access to Health Care.

Senator N. Paul Gauvreau of Androscoggin
Representative Charlene B. Rydell of Brunswick
Representative John L. Martin of Eagle Lake
Mary Allyce Guy of East Millinocket

Mr. Ronald Deprez of Portland

Bonnie Post of Owl's Head

Marcus Barresi of Presque Isle

Clayton Harrington of Caribou

Mr. Robert Bouchard of Millinocket

Ms. Julie Plummer of Dover Foxcroft to serve as one of the uninsured consumer representatives.

Mr. Frank Phillips of Millinocket to serve as the health institution representative.

Pursuant to our authority under Chapter 349 of the Public Laws of 1987, to the Commission to Study the Impact of Game and Nongame Species on Maine's Economy.

Senator R. Donald Twitchell of Oxford

Senator Edgar E. Erwin of Oxford

Senator Pamela L. Cahill of Sagadahoc

Representative Donald V. Carter of Winslow

Representative Patrick K. McGowan of Canaan

Representative Guy R. Nadeau of Saco

Representative Richard P. Ruhlin of Brewer

Representative Ernest C. Greenlaw of Standish

Pursuant to our authority under Chapter 380 of the Public Laws of 1987, to the Cancer Prevention and Control Advisory Board.

Dr. Leslie Fernow of Dover-Foxcroft

Ms. Jean Callum of Bangor

Ms. Betty Richards of Rockport

Ms. Billie Bouchard of Millinocket

Ronald Deprez of Portland

Ed Miller of Augusta

Sharon King of Augusta

Pursuant to our authority under Chapter 440 of the Public Laws of 1987, to the Commission to Study the Regulation of Health Care Expenditures.

Dr. Edward C. Andrews, Jr. of Cumberland

If you have any questions regarding these appointments, please contact one of our offices.

Sincerely,

S/Charles P. Pray

President of the Senate

Which was READ and ORDERED PLACED ON FILE.

S/John L. Martin

Speaker of the House

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

September 18, 1987

The Honorable Charles P. Pray

President of the Senate

Senate Chamber

State House

Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Nathaniel H. Bowditch of Auburn as Commissioner of the Department of Economic and Community Development. Pursuant to Chapter 534, Public Laws of 1987, this nomination will require review by the Joint Standing Committee on Economic Development and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 18, 1987

Senator Thomas H. Andrews

Representative Nathaniel J. Crowley

Chairpersons
Joint Standing Committee on Economic Development
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Nathaniel H. Bowditch of Auburn as Commissioner of the Department of Economic and Community Development.

Pursuant to Chapter 534, Public Laws of 1987, this nomination will require review by the Joint Standing Committee on Economic Development and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

Senate at Ease
Senate called to order by the President.

The Following Communication:
COMMITTEE ON ECONOMIC DEVELOPMENT
ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 7, 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 Economic Development has had under consideration the nomination of Nathaniel H. Bowditch of Auburn, as Commissioner of the Department of Economic and Community Development.

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

YEAS: Senators 3
Representatives 8
NAYS: 0
ABSENT: 2 Rep. Mahany of Easton, Rep. Bailey of Farmington

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 Nathaniel H. Bowditch of Auburn, as Commissioner of the Department of Economic and Community Development be confirmed.

Sincerely,
S/Thomas H. Andrews
Senate Chair
S/Nathaniel J. Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ECONOMIC DEVELOPMENT has recommended the nomination of Nathaniel H. Bowditch of Auburn as Commissioner of the Department of Economic and Community Development be confirmed.

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

ABSENT: Senators ANDREWS, GAUVREAU, LUDWIG, MATTHEWS

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Nathaniel H. Bowditch, as Commissioner of the Department of Economic and Community Development, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

On motion by Senator PEARSON of Penobscot, RECESSED until 11 o'clock.

After Recess
Senate called to order by the President.

Off Record Remarks

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
September 18, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:

This is to inform you that I am today nominating Dr. Thomas E. Eastler of Farmington, Dr. John F. Gibbons of Cape Elizabeth and Sheldon G. Richardson of Washburn for appointment to the Maine Low-Level Radioactive Waste Authority. Pursuant to Title 38, M.R.S.A. Section 1511, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 18, 1987

Senator Ronald E. Usher
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural
Resources
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dr. Thomas E. Eastler of Farmington, Dr. John F. Gibbons of Cape Elizabeth and Sheldon G. Richardson of Washburn for appointments to the Maine Low-Level Radioactive Waste Authority.

Pursuant to Title 38, M.R.S.A. Section 1511, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE

October 6, 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 Dr. Thomas E. Eastler of Farmington, for appointment to the Maine Low-Level Radioactive Waste Authority.

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. 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 Dr. Thomas E. Eastler of Farmington, for appointment to the Maine Low-Level Radioactive Waste Authority be confirmed.

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

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE

October 6, 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 Dr. John F. Gibbons of Cape Elizabeth, for appointment to the Maine Low-Level Radioactive Waste Authority.

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. 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 Dr. John F. Gibbons of Cape Elizabeth, for appointment to the Maine Low-Level Radioactive Waste Authority be confirmed.

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

Which was READ and ORDERED PLACED ON FILE.

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

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

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

September 25, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating William M. Houston, Esq. of Bangor for reappointment to the Maine Labor Relations Board.

Pursuant to Title 26, M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 25, 1987

Senator Dennis L. Dutremble
Representative Edward A. McHenry

Chairpersons
Joint Standing Committee on Labor
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William M. Houston, Esq. of Bangor for reappointment to the Maine Labor Relations Board. Pursuant to Title 26, M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
September 29, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:

This is to inform you that I am withdrawing my nomination of William M. Houston, Esq. for reappointment as an alternate member of the Maine Labor Relations Board. Pursuant to Title 26, M.R.S.A. Section 968, this nomination is currently pending before the Joint Standing Committee on Labor.

Thank you for your assistance in this matter.
Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
September 29, 1987

Senator Dennis L. Dutremble
Representative Edward A. McHenry
Chairpersons
Joint Standing Committee on Labor
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of William M. Houston, Esq. for reappointment as an alternate member of the Maine Labor Relations Board.

Pursuant to Title 26, M.R.S.A. Section 968, this nomination is currently pending before the Joint Standing Committee on Labor.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
September 29, 1987

The Honorable Charles P. Pray

President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:

This is to inform you that I am today nominating William M. Houston, Esq. of Bangor for appointment as Public Member and Chairman to the Maine Labor Relations Board.

Pursuant to Title 26, M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
September 29, 1987

Senator Dennis L. Dutremble
Representative Edward A. McHenry
Chairpersons
Joint Standing Committee on Labor
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William M. Houston, Esq. of Bangor for appointment as Public Member and Chairman to the Maine Labor Relations Board.

Pursuant to Title 26, M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

ORDERS

Joint Resolution

On motion by Senator GAUVREAU of Androscoggin (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 677

JOINT RESOLUTION MEMORIALIZING
THE CONGRESS OF THE UNITED STATES
CONCERNING THE HARDSHIP CREATED BY DENIALS
OF HOME HEALTH SERVICES' BENEFITS BY MEDICARE
WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Special Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, many of Maine's citizens are in ill health and in need of care but do need or desire hospitalization; and

WHEREAS, home health care is often the best medically advised care for these citizens; and

WHEREAS, Medicare is a major payor of home health care; and

WHEREAS, in recent years, the Health Care Finance Administration, without any change in the law, has

administratively reduced the amount of home health care which should be funded by Medicare; and
 WHEREAS, Medicare home health visits have currently been reduced by 1/3 and one out of every 3 of those visits is still being denied Medicare reimbursement; and

WHEREAS, this unilateral, administrative action has been arbitrary, unpredictable, capricious and in open defiance of established regulations and laws; and

WHEREAS, a number of home health care providers have elected to discontinue providing services under Medicare certification; and

WHEREAS, the result is that many Maine citizens who need and are entitled to home health services are unable to receive the necessary treatment; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to take immediate corrective action including, but not limited to:

1. The declaration of a moratorium on the Medicare home health benefit denials process until a responsible system or review can be developed; and

2. Enactment of strong legislation which will prohibit the Health Care Finance Commission's ability to act inconsistently with the established laws and the Congressional intent in regard to Medicare reimbursement for home health services; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Which was READ and ADOPTED.

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

On motion by Senator PERKINS of Hancock (Cosponsored by: Representative SALSBURY of Bar Harbor, Representative FOSTER of Ellsworth, Speaker MARTIN of Eagle Lake) the following Joint Resolution:
 S.P. 683

JOINT RESOLUTION IN MEMORIAM TO RETIRED JUSTICE
 WILLIAM S. SILSBY, SR.

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable William S. Silsby, Sr. of Aurora on September 19, 1987; and

WHEREAS, his passing marks the end of the exceptional life of a man whose character, wisdom and understanding have served this State well for many years; and

WHEREAS, Judge Silsby was an individual of boundless energy, spirit and good humor who was devoted to the high standards of his profession and who has left us a legacy of compassion and commitment worthy of our aspiration; and

WHEREAS, "Bill," as he was fondly called, was an outstanding attorney, Legislator, Justice of the Superior Court and a distinguished 77th Speaker of the Maine House of Representatives whose wise and warm counsel will be greatly missed; now therefore be it

RESOLVED: That We, the Members of the Senate and House of Representatives, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That suitable copies of this joint resolution, duly authenticated by the Secretary of

State, be transmitted forthwith in evidence of our lasting respect for his memory.

Which was READ and ADOPTED.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator TUTTLE for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Extend the Reporting Deadline for Adoption of a Plan by the Maine Low-level Radioactive Waste Authority" (Emergency)

S.P. 669 L.D. 1901

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

Ought to Pass as Amended

Senator DOW for the Committee on TRANSPORTATION on Bill "An Act to Amend the Motor Vehicles Laws" (Emergency)

S.P. 667 L.D. 1900

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-297).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-297) READ and ADOPTED.

Under suspension of the Rules, 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:

COMMUNICATIONS

The Following Communication: H.P. 1384

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

September 28, 1987

John L. Martin
 Speaker of the House
 113th Legislature

Charles P. Pray
 President of the Senate
 113th Legislature

Dear Mr. Speaker and Mr. President:

On September 28, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 28, 1987 as follows:

Legal Affairs

Bill "An Act Amending the Law Concerning 'Beano' or 'Bingo' on Indian Reservations" (Emergency) (H.P. 1382) (L.D. 1884) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representatives MURPHY of Berwick, RACINE of Biddeford and JALBERT of Lisbon) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,

S/Edwin H. Pert

Clerk of the House

S/Joy J. O'Brien

Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1385
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

September 29, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 29, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 29, 1987 as follows:

Judiciary

Bill "An Act Relating to Out-of-court Statements made by Minors" (Emergency) (H.P. 1383) (L.D. 1885) (Presented by Representative GWADOSKY of Fairfield)

(Cosponsor: Representative THISTLE of Dover-Foxcroft) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1390
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

September 30, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 30, 1987, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on September 30, 1987 as follows:

Legal Affairs

Bill "An Act to Delay Implementation of Certain Fire Safety Standards" (Emergency) (H.P. 1389) (L.D. 1888) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Senator KANY of Kennebec, Representatives PAUL of Sanford and PRIEST of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

State and Local Government

Bill "An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail" (Emergency) (H.P. 1387) (L.D. 1886) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Transportation

Bill "An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products" (H.P. 1388) (L.D. 1887) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator THERIAULT of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1394
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

October 1, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 1, 1987, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 1, 1987 as follows:

Appropriations and Financial Affairs

RESOLVE, Authorizing the Commissioner of Administration to Modify the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency) (H.P. 1391) (L.D. 1889) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives FOSS of Yarmouth, CARTER of Winslow and Senator BERUBE of Androscoggin) (Governor's Bill)

Energy and Natural Resources

Bill "An Act to Correct a Typographical Error in the Solid Waste Law" (Emergency) (H.P. 1392) (L.D. 1890) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senator USHER of Cumberland, Representatives HOLLOWAY of Edgecomb and MICHAUD of East Millinocket) (Governor's Bill)

Taxation

Bill "An Act to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law" (H.P. 1393) (L.D. 1891) (Presented by Representative BRAGG of Sidney) (Cosponsors: Senators TWICHELL of Oxford, DILLENBACK of Cumberland and Representative CASHMAN of Old Town) (Governor's Bill)

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

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1397

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

October 2, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 2, 1987, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 2, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1395) (L.D. 1894) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator PERKINS of Hancock, Representatives CARTER of Winslow and FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

State and Local Government

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency) (H.P. 1396) (L.D. 1895) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1401

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

October 2, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 2, 1987, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 2, 1987 as follows:

Energy and Natural Resources

Bill "An Act to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law" (Emergency) (H.P. 1398) (L.D. 1896) (Presented by Representative MOHOLLAND of Princeton) (Cosponsor: Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Marine Resources

Bill "An Act to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law" (Emergency) (H.P. 1399) (L.D. 1898) (Presented by Representative LOOK of Jonesboro) (Cosponsors: Representatives VOSE of Eastport, SEAVEY of Kennebunkport and Senator MATTHEWS of Kennebec) (Governor's Bill)

Bill "An Act Concerning Stored Lobsters" (Emergency) (H.P. 1400) (L.D. 1899) (Presented by Representative RICE of Stonington) (Cosponsors: Senators MATTHEWS of Kennebec, CAHILL of Sagadahoc, and Representative MITCHELL of Freeport) (Governor's Bill)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1403

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

October 6, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 6, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on October 6, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases" (Emergency) (H.P. 1402) (L.D. 1903) (Presented by Representative WENTWORTH of Wells) (Cosponsors: Senator ESTES of York, Representatives MURPHY of Kennebunk and FARNUM of South Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1405
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

October 6, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 6, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on October 6, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act Concerning Implementation of Weatherization Assistance to Maine's Elderly" (H.P. 1404) (L.D. 1904) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1408
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

October 7, 1987

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 7, 1987, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on October 7, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act to Provide Necessary Staff Resources for the Department of Economic and Community Development" (Emergency) (H.P. 1406) (L.D. 1911) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representative NADEAU of Lewiston, Senators EMERSON of Penobscot and BERUBE of Androscoggin) (Governor's Bill)

Utilities

RESOLVE, for the Public Utilities Commission to Study the Allocation of Water Supply Rights (Emergency) (H.P. 1407) (L.D. 1912) (Presented by

Representative PARADIS of Old Town) (Cosponsor: Representative VOSE of Eastport) (Governor's Bill)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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. 1386
JOINT RESOLUTION IN HONOR OF GERALDINE S. DUBORD

WHEREAS, on October 9, 1987, Geraldine S. (Small) Dubord will retire after 25 years of service to the State of Maine, including 21 years with the Maine Legislature; and

WHEREAS, during those 21 years she has suffered through hundreds of legislative payrolls and untold numbers of sometimes illegible expense vouchers; and

WHEREAS, she has guided Legislators and legislative staff through the maze of state bureaucracy, solving problems regarding life insurance, health insurance, dental insurance, retirement benefits, deferred compensation, W-2's, W-4's and countless other red tape; and

WHEREAS, Gerry has always discharged her duties with professionalism, limitless patience and a sense of humor; and

WHEREAS, now she will be enjoying her reward on the beautiful Harpswell Coast, for all her dedicated work; now, therefore be it

RESOLVED: That, We, the Members of the House and Senate of the 113th Maine Legislature of the great and sovereign State of Maine, now assembled in Special Session, pause in our duties to pay tribute to Gerry Dubord upon her retirement from the service of this State and to express to her on behalf of the Legislature and the people of Maine a full measure of appreciation for her many years of devoted service; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to Gerry with our warmest wishes to her and her husband, Rosaire, for many happy years in the future.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Off Record Remarks

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. 1409

JOINT RESOLUTION IN HONOR OF
SAMUEL S. SILSBY, JR. OF AUGUSTA,
THE STATE OF MAINE'S FIRST ARCHIVIST

WHEREAS, it is said that "a man's work is his monument, an indelible record that remains forever;" and

WHEREAS, there can be no greater tribute paid to Samuel S. Silsby, Jr. than the standard he planted

"where a standard never flew" as Maine's first State Archivist; and

WHEREAS, the professional accomplishments of this dedicated public servant over the past 32 years, conceived in wisdom and determination, will ever be a source of edification, strength and guidance for those who follow; and

WHEREAS, Sam, the author of the State Archives and Record Management Law and principal developer of its programs and facilities, a founder and past president of the National Association of State Archivists and Administrators and long-time leader in the archival profession, now enters retirement with the special pride of knowing that what he has built has been built well, and the Maine State Archives today is foremost in this nation, which is enough of a monument for any man; now; therefore be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 113th Legislature of the State of Maine take this opportunity at the First Special Session of the 113th Legislature to honor Samuel S. Silsby, Jr., of Augusta, and to recognize his distinguished service to the people of the State of Maine over many years and offer our best wishes and Godspeed for many happy and productive years in retirement; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Sam, our esteemed colleague, in token of our respect, admiration and gratitude.

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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Adjust General Fund Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines" (Emergency)

S.P. 662 L.D. 1892

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

S.P. 666 L.D. 1897

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

Off Record Remarks

On motion by Senator DUTREMBLE of York, RECESSED until 1 o'clock.

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Correct a Typographical Error in the Solid Waste Law" (Emergency)

H.P. 1392 L.D. 1890

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, READ TWICE and 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 TRANSPORTATION on Bill "An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products"

H.P. 1388 L.D. 1887

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-408).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-408) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

SENATE PAPERS

Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (Emergency)

S.P. 685 L.D. 1914

Presented by President PRAY of Penobscot Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26 Committee on BANKING AND INSURANCE 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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator BRANNIGAN for the Committee on BUSINESS LEGISLATION on Bill "An Act to Alter the Effective Date of Extension of Maine's Bottle Bill"

S.P. 664 L.D. 1893

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Extend the Reporting Deadline of the Weatherization Services Study Committee (Emergency)

S.P. 680 L.D. 1910

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator ERWIN for the Committee on UTILITIES on Bill "An Act to Correct the Sewer Lien Law" (Emergency)

S.P. 674 L.D. 1907

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Authorizing Certain Debt of the County of Piscataquis for Renovation and Expansion of Jail Facilities and Ratifying Certain Action Taken by Piscataquis County in Connection with the Authorization of this Debt" (Emergency)

S.P. 673 L.D. 1906

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 6, 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 Sheldon G. Richardson of Washburn, for appointment to the Maine Low-Level Radioactive Waste Authority.

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 10

NAYS: 0

ABSENT: 1 Sen. Tuttle of York

Twelve 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 Sheldon G. Richardson of Washburn, for appointment to the Maine Low-Level Radioactive Waste Authority 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 Sheldon G. Richardson of Washburn for appointment to the Maine Low-Level Radioactive Waste Authority 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, LUDWIG, USHER

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Sheldon G. Richardson, for appointment to the Maine Low-Level Radioactive Waste Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

September 18, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating David J. Soucy of Fort Kent for appointment to the Workers' Compensation Commission. Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 18, 1987

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David J. Soucy of Fort Kent for reappointment to the Workers' Compensation Commission.

Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 5, 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 Judiciary has had under consideration the nomination of David J. Soucy of Fort Kent, for reappointment to the Workers' Compensation Commission.

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

YEAS: Senators 1
Representatives 6
NAYS: 0
ABSENT: 6 Sen. Brannigan of Cumberland, Sen. Black of Cumberland, Rep. Cote of

Auburn, Rep. Conley of Portland, Rep. Thistle of Dover-Foxcroft, Rep. Hanley of Paris

Seven 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 David J. Soucy of Fort Kent, for reappointment to the Workers' Compensation Commission be confirmed.

Sincerely,
S/Joseph C. Brannigan
Senate Chair
S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of David J. Soucy of Fort Kent for reappointment to the Workers' Compensation Commission be confirmed.

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

- CHARLES P. PRAY

ABSENT: Senators ANDREWS, LUDWIG, PERKINS

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of David J. Soucy, for reappointment to the Workers' Compensation Commission was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

September 18, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Susan W. Calkins of Dover-Foxcroft as Judge, Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 18, 1987

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

Please be advised that Governor John R. McKernan, Jr. has nominated Susan W. Calkins of Dover-Foxcroft for reappointment as Judge, Maine District Court. Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON JUDICIARY
ONE HUNDRED AND THIRTEENTH LEGISLATURE

October 5, 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 Judiciary has had under consideration the nomination of Susan W. Calkins of Dover-Foxcroft, for reappointment as Judge, Maine District Court.

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 1
Representatives 7
NAYS: 0

ABSENT: 5 Sen. Brannigan of Cumberland, Sen. Black of Cumberland, Rep. Warren of Scarborough, Rep. Conley of Portland, Rep. Hanley of Paris

Eight 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 Susan W. Calkins of Dover-Foxcroft, for reappointment as Judge, Maine District Court be confirmed.

Sincerely,
S/Joseph C. Brannigan
Senate Chair
S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Susan W. Calkins of Dover-Foxcroft for reappointment as Judge, Maine District Court be confirmed.

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

ABSENT: Senators ANDREWS, EMERSON, LUDWIG
No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Susan W. Calkins, for reappointment as Judge, Maine District Court was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

September 18, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:

This is to inform you that I am today nominating Robert E. Crowley of Kennebunk for appointment as Judge-at-Large of the Maine District Court. Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 18, 1987

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert E. Crowley of Kennebunk for appointment as Judge-at-Large to the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 5, 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 Judiciary has had under consideration the nomination of Robert E. Crowley of Kennebunk for appointment as Judge-at-Large to the Maine District Court.

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 1
Representatives 6

NAYS: 0

ABSENT: 6 Sen. Brannigan of Cumberland, Sen. Black of Cumberland, Rep. Cote of Auburn, Rep. Conley of Portland, Rep. Thistle of Dover-Foxcroft, Rep. Hanley of Paris

Seven 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 Robert E. Crowley of Kennebunk, for appointment as Judge-at-Large to the Maine District Court be confirmed.

Sincerely,
S/Joseph C. Brannigan
Senate Chair
S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Robert E. Crowley of Kennebunk for appointment as Judge-at-Large to the Maine District Court be confirmed.

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

ABSENT: Senators ANDREWS, LUDWIG
No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Robert E. Crowley, for appointment as Judge-at-Large to the Maine District Court was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
September 18, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Morton A. Brody of Waterville for reappointment as Justice, Maine Superior Court. Pursuant to Title 7, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
September 18, 1987

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

Please be advised that Governor John R. McKernan, Jr. has nominated Morton A. Brody of Waterville for reappointment as Justice, Maine Superior Court.

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

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON JUDICIARY

ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 5, 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 Judiciary has had under consideration the nomination of Morton A. Brody of Waterville, for reappointment as Justice, Maine Superior Court.

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 1
Representatives 8
NAYS: 0
ABSENT: 4 Sen. Brannigan of Cumberland, Sen. Black of Cumberland, Rep. Warren of Scarborough, Rep. Conley of Portland

Nine 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 Morton A. Brody of Waterville, for reappointment as Justice, Maine Superior Court be confirmed.

Sincerely,
S/ Joseph C. Brannigan
Senate Chair
S/ Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Morton A. Brody of Waterville for reappointment as Justice, Maine Superior Court be confirmed.

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

ABSENT: Senators ANDREWS, LUDWIG

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Morton A. Brody, for reappointment as Justice, Maine Superior Court was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

September 21, 1987

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Clare H. Payne of Bangor for appointment to the Maine Indian-Tribal State Commission. Pursuant to Title 30, M.R.S.A. Section 6212, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,
S/ JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 22, 1987

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

Please be advised that Governor John R. McKernan, Jr. has nominated Clare H. Payne of Bangor for appointment to the Maine Indian-Tribal State Commission.

Pursuant to Title 30, M.R.S.A. Section 6212, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/ Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 5, 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 Judiciary has had under consideration the nomination of Clare H. Payne of Bangor, for appointment to the Maine Indian-Tribal State Commission.

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

YEAS: Senators 1
Representatives 6
NAYS: 0

ABSENT: 6 Sen. Brannigan of Cumberland, Sen. Black of Cumberland, Rep. Cote of Auburn, Rep. Conley of Portland, Rep. Thistle of Dover-Foxcroft, Rep. Hanley of Paris

Seven 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 Clare H. Payne of Bangor, for appointment to the Maine Indian-Tribal State Commission be confirmed.

Sincerely,
S/Joseph C. Brannigan
Senate Chair
S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Clare H. Payne of Bangor for appointment to the Maine Indian-Tribal State Commission be confirmed.

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

ABSENT: Senators ANDREWS, LUDWIG
No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Clare H. Payne, for appointment to the Maine Indian-Tribal State Commission was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 LABOR
ONE HUNDRED AND THIRTEENTH LEGISLATURE
October 8, 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 Labor has had under consideration the nomination of William M. Houston, Esq. of Bangor, for appointment as Public Member and Chairman to the Maine Labor Relations Board.

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 10
NAYS: 0

ABSENT: 1 Sen. Andrews of Cumberland

Twelve 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 William M. Houston, Esq. of Bangor, as Public Member and Chairman to the Maine Labor Relations Board be confirmed.

Sincerely,
S/Dennis L. Dutremble
Senate Chair
S/Edward A. McHenry
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of William M. Houston, Esq. of Bangor for appointment as Public Member and Chairman to the Maine Labor Relations Board be confirmed.

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

ABSENT: Senators ANDREWS, LUDWIG
No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of William M. Houston, Esq., for appointment as Public Member and Chairman to the Maine Labor Relations Board was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

ORDERS
Joint Order

On motion by Senator PERKINS of Hancock the following Joint Order:

S.P. 684

ORDERED, the House concurring, that the following specified matter be held over to the next special or regular session of the 113th Legislature:

COMMITTEE	BILL
Banking & Insurance	(S.P. 679) (L.D. 1909) - AN ACT to Exempt the First Certificate of Need Continuing Care Retirement Community Demonstration Project from Certain Requirements.

Which was READ and PASSED.
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:

COMMUNICATIONS

The Following Communication: H.P. 1410
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333
October 8, 1987

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that I have made the following appointments:

On July 14, 1987, pursuant to my authority under Chapter 60 of the Resolves of Maine, 1987, I appointed Representative B. Carolyne T. Mahany of Easton, Representative Charles R. Priest of Brunswick, Representative James Reed Coles of Harpswell, Representative Donald A. Strout of Corinth, Andrea L. Cianchette of Portland, and Catherine A. Lee of North Yarmouth to serve on the Commission on Maine's Future.

On July 14, 1987, pursuant to my authority under Chapter 69 of the Resolves of Maine, 1987, I appointed Representative Lorraine N. Chonko of Topsham, Representative Patrick K. McGowan of Canaan, Representative P. Kelley Simpson of Casco, Representative Dale F. Thistle of Dover-Foxcroft, and Representative Priscilla G. Taylor of Camden to serve as House members on the Commission on Children in Need of Supervision and Treatment.

On July 14, 1987, pursuant to my authority under Chapter 47 of the Resolves of Maine, I appointed Representative Fred W. Moholland of Princeton to serve as the House member on the Commission to Study the Feasibility of Constructing a 4-Lane Highway from Interstate 95 to the St. John Valley.

On July 14, 1987, pursuant to my authority under Chapter 440 of the Public Laws of 1987, I appointed Representative Margaret Pruitt Clark of Brunswick and Representative Susan J. Pines of Limestone to serve as House members on the Commission to Study the Regulation of Health Care Expenditures.

On July 15, 1987, pursuant to my authority under Chapter 66 of the Resolves of Maine, 1987, I appointed Representative Margaret Pruitt Clark of Brunswick, Representative Judy Paradis of Frenchville, and Representative Cushman D. Anthony of South Portland to serve as House members on the Commission to Study Health Services in Public Schools.

On July 15, 1987, pursuant to my authority under Chapter 445 of the Public Laws of Maine, 1987, I

appointed Representative Joseph W. Mayo of Thomaston and Representative Rita B. Melendy of Rockland to serve on the Site Selection Advisory Committee.

On July 15, 1987, pursuant to my authority under Chapter 54 of the Resolves of Maine, 1987, I appointed Representative Harriet A. Ketover of Portland and Representative Susan E. Dore of Auburn to serve as House members on the Maine Study Commission on Radon.

On July 15, 1987, pursuant to my authority under Chapter 72 of the Resolves of Maine, 1987, I appointed Representative Wesley Farnum of South Berwick and Collen Nadeau of Eagle Lake to serve on the Commission to Study the Use of Involuntary Services for Substance Abusers.

On July 15, 1987, pursuant to my authority under Chapter 68 of the Private and Special Laws of Maine, 1987, I appointed Representative Paul F. Jacques of Waterville, Representative Carl B. Smith of Island Falls, Representative Herbert E. Clark of Millinocket, Representative Carol M. Allen of Washington, Representative Willis A. Lord of Waterboro, and Representative Clyde A. Hichborn of LaGrange to serve as House members on the Maine Commission on Outdoor Recreation.

On July 20, 1987, pursuant to my authority under Chapter 498 of the Public Laws of Maine, 1987, I appointed Donald E. Nicoll of Portland and Dr. Guy Raymond of Madawaska to serve on the Maine Health Policy Advisory Council.

On July 20, 1987, pursuant to my authority under Chapter 63 of the Resolves of Maine, 1987, I appointed Representative Joseph W. Mayo of Thomaston, Representative William B. O'Gara of Westbrook, Representative Guy R. Nadeau of Saco, and Representative H. Stedman Seavey, Jr., of Kennebunkport to serve as House members on the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities.

On July 20, 1987, pursuant to my authority under Chapter 62 of the Resolves of Maine, 1987, I reappointed Representative Rita B. Melendy of Rockland to serve on the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

On July 20, 1987, pursuant to my authority under Chapter 68 of the Resolves of Maine, 1987, I appointed Representative Harlan Baker of Portland, Representative Rita B. Melendy of Rockland, and Representative Cushman D. Anthony of South Portland to serve as House members on the Juvenile Justice Planning Commission.

On July 20, 1987, pursuant to my authority under Chapter 67 of the Resolves of Maine, 1987, I appointed Representative Vinton T. Ridley of Shapleigh, Representative James Reed Coles of Harpswell, Representative E. Michael Swazey of Bucksport, Representative Susan E. Dore of Auburn, and Rep. Gennette M. Ingraham of Houlton to serve as House members on the Maine Commission on Forest Land Taxation.

On July 20, 1987, pursuant to my authority under Chapter 443 of the Public Laws of Maine, 1987, I appointed Representative Charlene B. Rydell of Brunswick to serve on the Committee to Advise the Department of Human Services on AIDS.

On July 20, 1987, pursuant to my authority under Chapter 61 of the Resolves of Maine, 1987, I appointed Representative Phyllis R. Erwin of Rumford, Representative Ruth Joseph of Waterville, Representative Charlene B. Rydell of Brunswick, and Representative Ralph M. Willey of Hampden to serve as House members on the Joint Select Committee to Study

the Costs of Providing Benefits and Compensation Under the Workers' Compensation Act.

On July 20, 1987, pursuant to my authority under Chapter 484 of the Public Laws of Maine, 1987, I appointed Representative Roger M. Pouliot of Lewiston to serve as the House member on the Maine Transportation Capital Improvement Planning Commission.

On July 20, 1987, pursuant to my authority under Chapter 52 of the Resolves of Maine, 1987, I appointed Representative Harriet A. Ketover of Portland and Representative Harry L. Vose of Eastport to serve on the 9-1-1 Study Commission.

On July 20, 1987, pursuant to my authority under Chapter 56 of the Resolves of Maine, 1987, I appointed Representative Peter J. Manning of Portland, Representative Daniel B. Hickey of Augusta, Representative Patrick E. Paradis of Augusta, and Representative Catharine K. Lebowitz of Bangor to serve as House members on the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

On July 20, 1987, pursuant to my authority under Chapter 69 of the Private and Special Laws of Maine, 1987, I appointed Representative Francis J. Perry of Mexico, Representative John Jalbert of Lisbon, and Representative Dana P. Stevenson of Unity to serve as House members on the Legal Affairs Subcommittee to Study Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages.

On July 20, 1987, pursuant to my authority under Chapter 46 of the Private and Special Laws of Maine, 1987, I appointed Representative Edward A. McHenry of Madawaska, Representative John Lisnik of Presque Isle, Representative Carl B. Smith of Island Falls, Representative John L. Martin of Eagle Lake, and Representative Gennette M. Ingraham of Houlton to serve as House members on the Aroostook County Detention Facility Study Committee.

On July 20, 1987, pursuant to my authority under Chapter 71 of the Resolves of Maine, 1987, I appointed Representative Harlan R. Baker of Portland, Representative Bradford E. Boutilier of Lewiston, and Representative Catharine K. Lebowitz of Bangor to serve on the Weatherization Services Study Committee.

On July 20, 1987, pursuant to my authority under Chapter 514 of the Public Laws of Maine, 1987, I appointed Representative Joseph W. Mayo of Thomaston, Representative John A. Cashman of Old Town, Representative Michael H. Michaud of East Millinocket, Representative James Mitchell of Freeport, Representative Annette M. Hoglund of Portland, and Representative Philip C. Jackson of Harrison to serve as House members on the Maine Commission on Land Conservation and Economic Development.

On July 20, 1987, pursuant to my authority under Chapter 439 of the Public Laws of Maine, 1987, I appointed Representative Carol Allen of Washington to serve as the House member on the Therapeutic Pharmaceutical Monitoring Panel.

On August 3, 1987, pursuant to my authority under 22-A M.R.S.A. Section 11002, I appointed Representative Nathaniel Crowley of Stockton Springs to serve on the New England Board of Higher Education. He will be replacing Representative Neil Rolde who has resigned.

On August 7, 1987, pursuant to my authority under Chapter 471 of the Public Laws of Maine, 1987, I appointed Kenneth Allen of Sidney to serve as my designee on the Maine Human Resource Development Council.

On August 10, 1987, pursuant to my authority under Chapter 72 of the Resolves of Maine, 1987, I appointed Dr. Stanley Evans of Portland to serve on the Commission to Study the Use of Involuntary Services for Substance Abusers.

On August 19, 1987, pursuant to my authority under M.R.S.A. Section 7021, I reappointed Caroline Gentile of Presque Isle to serve on the Maine Commission for Women.

On August 28, 1987, pursuant to my authority under Chapter 68 of the Private and Special Laws of 1987, I appointed Paul E. Martin of Eagle Lake, to serve on the Maine Commission on Outdoor Recreation.

On August 28, 1987, pursuant to my authority under M.R.S.A. section 7021, I appointed Mary Rinehart Cathcart of Orono to serve on the Maine Commission for Women.

On September 4, 1987, pursuant to my authority under M.R.S.A. section 7021, I have appointed F. Celeste Branham, of Lewiston, to serve on the Maine Commission for Women.

On September 25, 1987, pursuant to my authority under Chapter 46 of the Private and Special Laws of Maine, 1987, I appointed Representative Kenneth Matthews of Caribou to serve on the Aroostook County Detention Facility Study Committee. He will be replacing former Representative Gennette Ingraham.

On September 25, 1987, pursuant to my authority under Chapter 67 of the Resolves of Maine, 1987, I appointed Representative Clyde Hichborn of LaGrange to replace former Representative Gennette Ingraham on the Maine Commission on Forest Land Taxation.

On September 30, 1987, pursuant to my authority under Chapter 58 of the Public Laws of Maine, 1987, I appointed Representative Daniel B. Hickey of Augusta to serve as the House member on the Maine Committee on Aging.

Sincerely,
S/John L. Martin
Speaker of the House

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

ORDERS
Joint Order

On motion by Senator GAUVREAU of Androscoggin the following Joint Order:

S.P. 686

ORDERED, the House concurring, that the following specified matter be held over to the next special session of the 113th Legislature:

COMMITTEE
Education

BILL
(S.P. 672) (L.D. 1905) - AN ACT to Require the Department of Educational and Cultural Services to Promulgate Rules Necessary to Implement Legislation Enacted During the First Regular Session Concerning Certified Nursing Assistants.

Which was READ and PASSED.

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:

ORDERS

Joint Resolution

On motion by Senator GAUVREAU of Androscoggin (Cosponsored by: Senator GILL of Cumberland, Representative PINES of Limestone, Representative MANNING of Portland) the following Joint Resolution: S.P. 687

JOINT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, DIVISION OF MATERNAL AND CHILD HEALTH, TO BROADEN THE ELIGIBILITY REQUIREMENTS FOR PRENATAL CARE PROGRAM

WHEREAS, since, under emergency rules which took effect on August 25, 1987, eligibility requirements for prenatal care under the Prenatal Care Program are limited to women whose family income does not exceed 125% of the poverty level; and

WHEREAS, it is estimated that these emergency rules will deny between 150 and 175 women vitally needed prenatal care; and

WHEREAS, it is the desire of this Legislature that no needy women are denied essential prenatal care and that the current unacceptable limitations remedied; therefore be it

RESOLVED: That We, the members of the One Hundred and Thirteenth Legislature in the First Special Session, respectfully request and urge the Department of Human Services, Division of Maternal and Child Health, to change the limitations of the existing eligibility guidelines so that more women who are deemed to truly need essential prenatal care may receive this valuable service; and be it further

RESOLVED: That the department provide the necessary funds for implementing this change by the transfer from other accounts and that the department aggressively seek federal support for this extension of services; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Human Services.

Which was READ and ADOPTED.

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:

Nomination of Dr. Thomas E. Eastler of Farmington, for appointment to the Maine Low-Level Radioactive Waste Authority.

Tabled - October 9, 1987, by Senator CLARK OF Cumberland.

Pending - CONSIDERATION (In Senate, October 9, 1987, Communication READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Dr. Thomas E. Eastler of Farmington for appointment to the Maine Low-Level Radioactive Waste Authority 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BROWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, LUDWIG
 No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. Thomas E. Eastler, for appointment to the Maine Low-Level Radioactive Waste Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

Nomination of Dr. John F. Gibbons of Cape Elizabeth, for appointment to the Maine Low-Level Radioactive Waste Authority.

Tabled - October 9, 1987, by Senator CLARK of Cumberland.

Pending - CONSIDERATION (In Senate, October 9, 1987, Communication READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Dr. John F. Gibbons of Cape Elizabeth for appointment to the Maine Low-Level Radioactive Waste Authority 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.

The Chair recognizes the Senator from Kennebec, Senator KANY.

Senator KANY: Thank you Mr. President and members of the Senate. Instead of waiting until the announcement period, I thought this seemed to be an appropriate time to call your attention to a couple items of interest on low-level radioactive waste. One is the Advisory Commission on Radioactive Waste has produced a video tape on low-level radioactive waste and for those of you in the Senate who are interested in just a little pamphlet about the video tape, if you have some organizations or schools that might be interested, then I have some of these available for you. Also, I am going to ask a page to pass around to you a sign up sheet, which really is for press media background on low-level radioactive waste. It was prepared primarily for the press, naturally, understandably, we see a great deal of inaccurate information disseminated from the press in editorials, in letters to the editor and understandably because it is a very complex area. Therefore, the Advisory Commission did put together this press background, which is fairly complete and has been unanimously approved by those present at our last Advisory Commission on radioactive waste.

If you are interested in having that so that you can help in the improvement and the accuracy of information that is disseminated on this topic, please sign up for one for yourself or if you know of someone else who is interested. They are being printed today, so I would like this back so we can know how many copies to print so we do not over-print and spend excess money unnecessarily. I will ask to have those passed around to you. If you do have any questions about the new authority, of which I do not serve, or on what the continuing role of the Advisory Commission on radioactive waste is, with its statutory responsibilities of promoting public understanding and advising the Governor and the Legislature on radioactive waste matters or anything on this topic, I would be happy to help you out. Giving you today's update on what is going on in Congress on changes to the Nuclear Waste Policy Act of 1982, there was a markup in the House yesterday.

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

ABSENT: Senators ANDREWS, LUDWIG

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with two Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. John F. Gibbons for appointment to the Maine Low-Level Radioactive Waste Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Reduce the Potential for Violence during Labor Disputes" (Emergency)

S.P. 671 L.D. 1902

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-298).

Signed:

Senator:

DUTREMBLE of York

Representatives:

RUHLIN of Brewer

TAMMARO of Baileyville

MCHENRY of Madawaska

RAND of Portland

JOSEPH of Waterville

HALE of Sanford

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

Signed:

Senator:

COLLINS of Aroostook

Representatives:

HEPBURN of Skowhegan

WILLEY of Hampden

ZIRNKILTON of Mount Desert

BEGLEY of Waldoboro

Which Reports were READ.

Senator DUTREMBLE of York moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator COLLINS: Mr. President and members of the Senate. My good chairman and I agree on part of this Bill. We agree on the title. We think it is important, both of us, that violence during labor disputes ought to be eliminated whenever possible and that any legislation that would accomplish that I am sure if we had the same opinion, we would agree. This particular Bill, it seems to me, does not accomplish that. In essence, it suggests that people that are applying for work or are scheduled for interviews during a labor dispute may not go to the company plant. In other words, the recruitment of replacement workers and or interviews must take place off the site. It seems to me that this just transfers this site from one place to another where violence may occur and it seems to me that it invites a third party into the consideration. In other words, instead of a dispute that involves just the management and the workers, all of the sudden, we have a third group of people that might become involved in violence and that is the public sector. For example, if there were a dispute in the Augusta plant and this law were in effect and they decided they would hire people and they would operate out of the Senator Motel or the Holiday Inn, it seems to me that there is an opportunity for members of the public that are disinterested in the dispute to become involved in a violent action. I think that while the legislation is well-intended, I really don't think it accomplishes anything at all other than to transfer from one location to another in the procedure. I would suggest that you not accept the Majority Report and that you consider defeating the pending motion. Thank you Mr. President.

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

Senator DUTREMBLE: Mr. President and members of the Senate. We have a situation in the State of Maine that has been occurring the last few years that to my knowledge has not occurred to any great degree in the past if at all.

This is that when a company or employees of a company go on strike, the employers hire replacement workers to take their place permanently. I guess this may have happened once with the truckers in some other instances, but in the past few years this happened to a great degree with the paper companies. There is a certain degree of arrogance and abrasiveness that has an employer hiring, or having applicants for a job cross the picket line onto the workplace to have people hired to take the place of those people on the picket line. We are not telling the employers that they cannot do that, we are just saying that to do it at the workplace makes it a little bit more inflammatory. A person likes to protect his or her territory and I believe many people would think that their job is their territory. I think all the Senators here would agree that even when they run for office they consider it their seat and they go out and protect it and they spend the money to protect it and do whatever is necessary to protect it as long as it is legal. I think that when you have a situation where applicants are crossing the picket lines to go for jobs that

will take the money away from these families, it is a great potential danger.

What this Bill says is that we are going to move this from the premises where the picket lines are set up to a site that is neutral and is not where picket lines would be already set up. The good Senator from Aroostook, Senator Collins, is right in saying that we don't know if those picket lines will follow or not and that was one of the concerns I had when we listened to this Bill, so we put on an amendment that would restrict any picketing two hundred feet from any place that businesses would be hiring people.

I would like to point out that during the hearing we had yesterday, a list of items were brought up about dangerous weapons that people carried during labor disputes. I was kind of surprised to find out that these weapons weren't really carried by people on the picket line or employees who were out of work because of the strike, but in fact were actually carried or tried to be carried through the line by applicants for employment. I seems to me the potential for danger may be created by the situation that is there, but if you have applicants who are afraid of going through the picket line at the place of work and they are carrying weapons as a result, then maybe we should diffuse that and have these job applicants go some place else. Is it going to work? I hope it is going to work. It seems to me that it is going to be less inflammatory. But it is a new situation and we are trying to address it the best we can and we feel that this is the way to go.

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

Senator ERWIN: Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate. If anyone tries to say that this Bill isn't needed, I am about to give you an example to prove that if this Bill had been on the books last year, perhaps a lot of the trouble in the greater community of Rumford, Mexico, or Dixfield and so forth might have been alleviated.

The feeling among many of the workers in Rumford had been to request a meeting and many people told me they thought there would be a favorable vote at that meeting to return to the mill - back to work. If my memory is correct, this meeting was going to be on a Monday night. Lo and behold, Monday morning directly across the Androscoggin river from the mill there was a meeting area for some of these people who have been discussed that were being interviewed for job replacements. They were to be picked up by bus and taken into the mill. This is probably half a mile at the most from the picket line. Naturally, some of the picketers went to this area. Not too long later the so called goon squad, for your information if you don't know what is referred to as the goon squad, it is a special security outfit that Boise Cascade had hired for protection of the mill property. They left the mill property, they left the town of Rumford which they supposedly were working and they went into the town of Mexico. They all seemed to have a five cell flashlight. That seems to be part of their equipment whether the sun is shining or not anytime you saw them out in the yard they seemed to have that equipment with them. When they got over to the area in Mexico directly across from the mill a fracas started. A number of the people were beat up and four young men were beat up severely. What do you think was the opinion of the people that wanted to go back to work? Do you think they still wanted to go back to work? I suggest again that if this fracas had not been provoked and had not happened that there would have been a favorable vote and the people would

not have been replaced as they have been in the Rumford area. Thank you.

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

Senator WEBSTER: Mr. President, ladies and gentlemen of the Senate. As many of you know, the good Senator from Oxford, Senator Erwin represents a number of people who work in the strike prone Jay Mill. I happened to represent probably the other half of the people who work in that mill. Either before or during or after the strike, we are probably both going to have the same amount of people who work at least in the Jay Paper Mill. I am going to vote against this Bill today, probably for the argument that the good Senator Erwin has just given us in support of it. For those of you who are familiar with what happened last year at the strike at Boise in Rumford, the violence that occurred did not occur at the mill, it occurred off site and that is my biggest concern about enacting a Bill like this. It seems to me that history should show and it does show that having interviews off site could be as disastrous and as harmful as having it on site. It is a difficult situation in Jay, Maine and that is where I am associated with because I know some people who work in the mill now, who worked in the mill before, and who hopefully will be working in the mill later. There is a real concern from where I come from that this Bill is merely an attempt to appease someone and I haven't yet figured out who, but I really, sincerely don't see how this is going to do anything except perhaps help someone running for office say that they did something. I am not going to be party to that. I deeply feel for the people who work in the mill because I know first hand of what they are going through. To enact the Bill today simply so we can go back to Jay, back to Rumford, back to Boise, Buckfield, or wherever it might be and say we tried to do something to help you, in my opinion, this is not a positive way of enacting legislation. I am going to vote against this Bill for a lot of reasons and I hope that you will do the same. Thank you.

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

Senator DUTREMBLE: Mr. President and members of the Senate. The remarks that the good Senator from Franklin, Senator Webster, made should clarify and I agree that there were problems by hiring done at Boise Cascade a few years ago. I think it is very important to point out then the violence was created and caused by the goon squads. It was created and caused by the employees, the striking workers. We firmly believe and will continue to believe that if you take the hiring of applicants or the replacement of applicants off the work site that the violence will be diminished. However, if the employer wants to insite violence, there is nothing we can do. Maybe the good Senator from Franklin, Senator Webster doesn't want to go back and tell his people that he is trying to help them in some way, but I am always proud to go back to my people and say yes, we have done something for you today and we are going to continue to work for you today and maybe we can't solve the problem right away and maybe this is just a little bit, but I am always happy to go back and tell them yes, we have done something for you today. Thank you.

Senate at Ease
Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator USHER, to the Rostrum where he assumed the duties of President Pro Tem.

The President then Retired from the Senate Chamber.

The Senate called to order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate. A further point of clarification. There were not job interviews being conducted at the site of the trouble in Mexico.

For some reason, beyond my understanding, Boise Cascade had the people that they wanted to gather there directly across from the mill almost in sight of the picket line instead of having them gather in some location like Dixfield, Peru, Rumford Point, some place that wasn't right adjacent to the mill and right near the picket line. If they had done something like this, I don't think there would have been any problem. If this Bill had been on our books and they had to do the interviewing in some other area, I don't think there would have been a problem and if there had been a vote taken this Monday night without the fracas, I think the people would have gone back to work.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am not involved in the problems at the mill up there to any great degree, but last year if you recall we had a Bill we passed which took care of the problems, I thought, of strikes at the mills and the violence that took part there. We outlawed the use of those long flashlights. We outlawed the use of arms, people carrying guns. We outlawed the use of long night sticks and these so-called goon squads. We passed that Bill here and our good chairman has brought forth this Bill again today, another Bill which we hadn't had the time to evaluate or really look at. This Bill went to another committee, but I can tell you we worked long and hard on the Bill that we passed last year and you people supported it. Not once did it ever come up that there was any problem with interviewing. One of the things we were concerned about was violence and taking care of not only the workers, but those who were running the mill. I think it is very unfair at this time during an Emergency Session to bring a Bill like this in and I think we should vote this Bill down. I will not support it and it shouldn't even be here. Thank you.

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

Senator KANY: Mr. President and members of the Senate. I am glad that the good Senator from Cumberland, Senator Dillenback did let the Senate know that the subject of violence at labor dispute sites is not one that we are just beginning to address today. It really was about a year ago that I was contacted by the Chairman of the Board of Selectmen in Livermore Falls right next to the town of Jay where the I.P. plant is located. I was contacted by him and asked to evaluate our laws so that if the expected major labor dispute occurred at I.P. that we would not have a similar identical situation at Boise and what had occurred there, the violence.

Consequently, several months were spent developing legislation to deal with that and there were three major outcomes to deal with that. One, we did fill in the loophole that allowed these out-of-state goon squads to come in like paramilitary organizations and threaten and intimidate our working people in order to protect the company from their own workers. How we did that was to require licensing of these out-of-state organizations and secondly, we required minimal standards for private security guards other than those that are directly employed by a company which is into other general business, and the third thing we did was prohibit dangerous weapons at labor dispute sites and that legislation was unanimously supported by the Legal Affairs Committee and, if I recall accurately, unanimously supported by the Maine Legislature and it was signed by the Governor. We thought we had taken care of the problem. That Bill has been lawed by law enforcement agencies at several levels and by town officials, by union officials and by management. Unfortunately, we did not anticipate and we had no idea that we would be dealing with a situation that we are now dealing with at International Paper. A situation in which a company which used to do its pre-hiring work at the Maine Job Service in Rumford once a strike began chose instead to do all the interviewing and pre-hire work at its plant location at the strike site in Jay. This means that there is confrontation throughout the day, not just at the change of shift time when you ordinarily would expect that replacement workers would be ordinarily coming in or leaving and there would be a confrontation at the picket line. Instead, it is throughout the day as these interviewees come to the plant site and some believe that the reason the company prefers doing these interviews at the plant site is to see if people have the stomach to put up with the anger and confrontation that they face at the picket line. Obviously it is a provocation, a provocation for violence. In fact it is quite interesting, yesterday I received from the Jay Police Chief a listing of the weapons that have been recently confiscated at the strike site; none of which are from strikers. I would guess and surmise that they are from applicants even though I do not know that instead of permanent replacement workers because I would assume that International Paper Company would let its employees know of the law which actually prohibits such dangerous weapons at the strike site. So, just in recent times since the injunction has been enforced these are the dangerous weapons which are illegal and have been confiscated right there at the picket line by the Jay Police: thirteen assorted bats, fifteen assorted knives, eight guns, two boot hooks, four assorted size night sticks, six assorted pieces of wood; axe handles, broom handles, etc., two crow bars, one tire iron, one pair of fourteen inch handle numb chucks whatever they are. I would like you to know that the police do not search each vehicle crossing that picket line. These are dangerous weapons that are fully in view of the law enforcement officers and people entering wishing to cross the picket line. Now I ask you, does it make sense to allow this continuous confrontation throughout the day in an area at a picket line unnecessarily when we could perhaps help dissipate some of that anger and provocation by no longer allowing the companies to have the choice of where they do the interviewing.

Currently, companies are not required to do their hiring and interviewing at the strike site. They have their choice and some of them choose to do it elsewhere. The private security guard law that we enacted last year allows private security guards of

the company hired by the company to be at any area which is either leased or owned by that company and only where there is a strike site or a labor dispute ongoing are they prohibited from having a dangerous weapon.

This new legislation would, I believe, help in another area of provocation that we did not consider earlier this year and that is it would actually prohibit a dangerous weapon from being at an interviewing area if that were not considered a strike site and only to be in the hands of law enforcement officers. I think that is important for you to know that I simply ask you to give it a try. Much of labor dispute law is preempted by the federal government under the National Labor Relations Act and assured by the Attorney General's Office and by others was not really questioned that this area on the interviewing is not preempted that we can and we do have a responsibility as a State Legislature and as a state government to deal with violence and also to attempt to prevent violence and that is what this legislation is all about. It is not something in this whole area, the law, that was dreamed up in one second, but really is an out growth of the earlier legislation which began a full year ago carefully conceived and this was one area of the law where we had not anticipated such provocation of violence occurring.

I do think that largely some of these problems were not observed unfortunately as too close an observer sometimes representing areas that have strikes. A number of years ago sometimes strikes were very peaceable, in fact, I heard the good Senator from York describe it in a way that I hadn't even thought of it yesterday, people really acted as families and it was a family dispute so they ceased operating their plant during the strike and in good faith negotiated to try to resolve their dispute so the bad part to the strikers I suppose was the loss of income, but you didn't get the degree of anger. At least here in the State of Maine where most people aren't involved in provocation of violence and mass criminal activity. The only place you really see mass anger and hatred is at strike sites and during strikes and I think it is because of this change in attitude of that of a family where you are going now beyond the family and you at first were starting to hire temporary replacement workers and now are way outside of the family. It is no longer family business when you hire permanent replacement workers and now looking at I.P. and I do not represent Jay, I represent the town next to it where I.P. is the major employer for Livermore Falls and these people are just shocked and startled to think that there jobs that they believe belong to them that the company actually plans to permanently replace all of them. This is a new phenomenon here at I.P. in the Jay area. They had not had any labor dispute since 1921. Generally people have worked well together and have been able to resolve their disputes, but if you go in that area today you will see a great deal of sadness and bitterness, anger and violence provoked.

If we can do one thing as a State Legislature, one small additional thing to attempt to prevent more violence and I think we did make a major step forward earlier this year, then I would hope to God that you would be willing to try. That is all I ask.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I have been sitting here trying to figure out the opposition to this Bill and I can't seem to come to some rational understanding of why someone would be opposed to this measure, but

maybe I think I have got it. It must be an economic concern and the only people those that are in opposition to this Bill are trying to help it appears to me are people that certainly need the assistance, knuckles, ink people that are wearing the hip boots, the goon squads, we have got to keep those people employed and therefore, we have got to keep this situation existing where new applicants will cross the picket lines and cause the kind of unrest that the good Senator from Kennebec has been talking about. It must be an economic concern for the knuckles and ink because that is the only thing I can think of. I can tell you that I have seen some of the violence that has happened. Violence to those that are on strike by the goon squads by the neo nazi's of America that have found a way to get a job where they beat people's heads in, where they smash their vehicles, where they haunt people that have the right to be on strike, provoke violence, cause violence, that's what they are all about. This Bill would take care of that concern, ladies and gentlemen. It would stop those applicants from crossing that picket line and thereby tone down an awful lot of that confrontational problem. I guess that those who are in opposition to this Bill just don't want to hurt knuckles and ink.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-298) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME.

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

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

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. Having heard some of the bizarre debate here very recently, from the good Senator from Kennebec, Senator Matthews, I thought it would be appropriate to respond just very briefly as to my opposition to this legislation, as I stated it previously.

THE PRESIDENT PRO TEM: For what purpose does the Senator from Penobscot, Senator Pray rise?

Senator PRAY: Personal Point of Order. I object to the comments of the speaker in reference to describing the debate of another member of the Chamber.

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

Senator WEBSTER: Let me state that my opposition to this legislation is very simple. First of all, I question it would do anything at all to address the problem that is currently happening in Jay Maine. I question the need for the legislation, as I have questioned the need for so many other pieces of legislation during my eight years here in the Legislature. I never, and will continue to never, vote for something just to try to prove to somebody out there that we are doing something, when we all know, and I would without question feel and most of us agree that we all know, that this Bill is going to have no impact and do no good to the people of this state and for that reason I oppose this. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Mr. President, ladies and gentlemen of the Senate. I did not leave the Rostrum intending to speak on this Bill, even though I am a cosponsor. I have been attempting to catch up

with my mail and a few duties and responsibilities that I have before the end of today's session so I can return home. But, I think the debate that has so far taken place on this Bill, to some degree to those who support the Bill and even those who oppose the Bill, have expressed their opinion of the Bill. They basically have stated how they believe the Bill would impact. I think that Senator Kany, the Senator from Kennebec who sponsored this Bill, and the Senator from York, Senator Dutremble the Chairman of the Labor Committee, explained what the intent of the Bill was to do and what some of us in this Chamber perceive that it will do. That is to alleviate a potential for violence in a situation. We hold to that belief. We feel that this legislation would alleviate that pressure and lessen the potential for violence in a labor dispute situation. While I appreciate the fact that the Senator from Franklin, Senator Webster, may not hold that same opinion, there are some of us in this Chamber who believe that this is for the welfare and public benefit. And for that reason that the Bill is before us.

If you want to express your opinion and vote against the Bill because you don't believe it is to the welfare of the general public, than do so, but to state that those who feel opposite of you and share that belief numerous times, I think is a disservice to the intelligence and the credibility of the committee and the other members of this Chamber.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, PRAY, THERIAULT, TUTTLE, THE PRESIDENT PRO TEM - RONALD E. USHER

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

ABSENT: Senators ANDREWS, LUDWIG

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent and no Senators having been excused, the Bill was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

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

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Authorizing the Commissioner of Administration to Modify the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency)

H.P. 1391 L.D. 1889

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, READ TWICE and 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Comprehensive Protection for Ground Water Law"

H.P. 1411 L.D. 1913

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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

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

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 MARINE RESOURCES on Bill "An Act Concerning Stored Lobsters" (Emergency)

H.P. 1400 L.D. 1899

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-410).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-410) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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 MARINE RESOURCES on Bill "An Act to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law" (Emergency)

H.P. 1399 L.D. 1898

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-411).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-411) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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 TAXATION on Bill "An Act to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law"

H.P. 1393 L.D. 1891

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-409).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-409) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Delay Implementation of Certain Fire Safety Standards" (Emergency)

H.P. 1389 L.D. 1888

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-412).

Signed:

Senators:

- KANY of Kennebec
- DILLENBACK of Cumberland
- ESTES of York

Representatives:

- PRIEST of Brunswick
- STEVENS of Sabattus
- JALBERT of Lisbon
- MURPHY of Berwick
- PAUL of Sanford
- HARPER of Lincoln

MARTIN of Van Buren
TUPPER of Orrington
The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

STEVENSON of Unity

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-412).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-412) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Necessary Staff Resources for the Department of Economic and Community Development" (Emergency)

H.P. 1406 L.D. 1911

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-413).

Signed:

Senators:

- EMERSON of Penobscot
- PEARSON of Penobscot

Representatives:

- FOSTER of Ellsworth
- DAVIS of Monmouth
- FOSS of Yarmouth
- LISNIK of Presque Isle
- MCGOWAN of Canaan
- CARTER of Winslow
- NADEAU of Lewiston

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

Signed:

Senator:

BERUBE of Androscoggin

Representative:

CHONKO of Topsham

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-413).

Which Reports were READ.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act Amending the Law Concerning 'Beano' or 'Bingo' on Indian Reservations" (Emergency)

H.P. 1382 L.D. 1884

Reported that the same Ought to Pass.

Signed:

Senators:

KANY of Kennebec
DILLENBACK of Cumberland
ESTES of York

Representatives:

STEVENS of Sabattus
JALBERT of Lisbon
MURPHY of Berwick
PAUL of Sanford
STEVENSON of Unity
MARTIN of Van Buren
TUPPER of Orrington

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

Signed:

Representative:

HARPER of Lincoln

(Representative PRIEST of Brunswick Abstained)

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

Which Reports were READ.

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

Under suspension of the Rules, READ TWICE and 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

The Committee on UTILITIES on Resolve, for the Public Utilities Commission to Study the Allocation of Water Supply Rights (Emergency)

H.P. 1407 L.D. 1912

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, READ TWICE and 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:

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1413

JOINT RESOLUTION COMMENDING COMMUNITY-BASED HEALTH CENTERS OF THE STATE OF MAINE

WHEREAS, "Ours is a world which brings pain and hardship, suffering and disaster, but then sets in motion ingenious agencies which quietly but steadily repair the damage;" and

WHEREAS, community health centers are agencies that provide community-based, comprehensive and primary health care services to many communities in the State; and

WHEREAS, they deliver high quality, affordable and accessible health care to medically underserved communities that have come to depend upon them for their primary care needs; and

WHEREAS, their emphasis on health promotion and disease prevention enhances the overall health of the

community and lowers the incidence of major health problems; now, therefore be it

RESOLVED: That We, the Members of 113th Legislature of the State of Maine now assembled in Special Legislative Session, take this opportunity to commend all those who provide community-based health care throughout the State and offer our support and encouragement for their dedicated efforts; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each center within the State in token of our appreciation.

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:

SENATE PAPERS

Bill "An Act to Allocate Funds from the Highway Fund to Carry out a Feasibility Study on a Truck Registration Center" (Emergency)

S.P. 688 L.D. 1916

Presented by Senator DOW of Kennebec

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Committee on TRANSPORTATION 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.

Sent down for concurrence.

Senate at Ease

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 As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases" (Emergency)

H.P. 1402 L.D. 1903

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-414).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-414) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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 Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1395 L.D. 1894

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-416).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-416) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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 Adjust General Fund Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines

S.P. 662 L.D. 1892

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 Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining

S.P. 666 L.D. 1897

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.

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 Amend the Motor Vehicles Laws

S.P. 667 L.D. 1900 (C "A" S-297)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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 Extend the Reporting Deadline for Adoption of a Plan by the Maine Low-level Radioactive Waste Authority

S.P. 669 L.D. 1901

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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

House

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency)

H.P. 1396 L.D. 1895

Reported that the same Ought Not to Pass.

Signed:

Senators:

TUTTLE of York

GOULD of Waldo

Representatives:

WENTWORTH of Wells

ANTHONY of South Portland

BICKFORD of Jay

LOOK of Jonesboro

HUSSEY of Milo

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

Signed:

Senator:

BALDACCI of Penobscot

Representatives:

CARROLL of Gray

ROTONDI of Athens

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

Which Reports were READ.

Senator TUTTLE of York moved to RECOMMIT the Bill and Accompanying Papers to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. I hope the good Senator from York, Senator Tuttle, would recede from his motion for an opportunity to have the first reading of this printed Bill, so that I may be able to offer an amendment.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator CLARK, to the Rostrum where she assumed the duties as President Pro Tem.

The President then Retired from the Senate Chamber.

The Senate called to order by the President Pro Tem.

Senate at Ease

Senate called to order by the President Pro Tem.

Senator TUTTLE of York requested and received Leave of the Senate to withdraw his motion to

RECOMMIT the Bill and Accompanying Papers to the Committee on STATE AND LOCAL GOVERNMENT.

Senator BALDACCI of Penobscot moved to ACCEPT the Minority OUGHT TO PASS Report, in concurrence.

Senator PERKINS of Hancock requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Madam President, men and women of the Senate. We have before us, this afternoon, legislation concerning a city in Washington County, the city of Eastport. My concern with the legislation before us is that this has been a very hectic session, that we all are aware of, there has not been to my knowledge, a great outcry from the city of Eastport. There seems to be what you might think of as a local strife in that community in regard to what this legislation would attempt to address. My concern is that we would really be serving the people of Eastport to the very best extent if this legislation were dealt with in the second session of this Legislature. We are more than able to deal with this legislation. It is my understanding that at one point the legislation had an emergency amendment on it, but that has been taken off. The very same piece of legislation could be dealt with in January and the people would be able to do the same thing that this legislation proposes today after people back in Eastport have the time to think about this rather than rushing it through. The public hearing that was held by committee here only had five people in attendance from Eastport and all five spoke against the particular legislation that was drafted as proposed.

Also, there was a great concern that I was not aware of the public hearing until the day it was held. They wondered where their Senator was on that particular day that the hearing was held, but I had not received a notification that there even was hearing this week. I share great concern that our Legislature passes legislation in the fashion such as this. I think we do no justice to the citizens of this state and I would urge you not to support passage of this Bill today.

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

Senator BALDACCI: Thank you Madam President, men and women of the Senate. Very briefly, at the hearing, which the good Senator from Washington, Senator Randall, may not have been able to be there that day to listen to the testimony from the people of Washington County that were present and did speak to the issue and the local State Representative that introduced the legislation for the community. There were roughly over twenty percent of the registered voters in that particular area signed a petition asking for an election. Asking for it, over twenty percent of the registered voters. They are asking for the election, it is a normal function and all we are doing here is allowing the local community to vote on the change, whether they want to make it or not. I know there is some concern as to whether there is a chamber member, as there is now, with the proposes that are being talked about not having a chamber member, but the important thing here is that the local community is going to decide. It is up to them and they are the ones making the decision. All we are doing here is allowing that to take place. There is nothing wrong with that and I would hope that you would go along with that report and I would hope that you would allow me to put on this amendment, at least have a hearing on this amendment that is going to change the Bill, as I mentioned early when the good Senator from York, Senator

Tuttle, had agreed to withdraw his motion so I would have an opportunity. Now we are not even at that stage so I hope you go along and then we will be able to discuss this during second reading. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Madam President, I would like to pose a question through the Chair. I question whether the city councilors of Eastport were present at the hearing. It was my impression that those councilors were opposed to it. Knowing that the good Senator from Penobscot, served on a council for a municipality, I know how he would reject having whatever official body overrides his judgment. I know if that were the case then he wouldn't want that, so if they were present and didn't oppose it then there must be another wrinkle that I haven't seen yet.

THE PRESIDENT PRO TEM: The Senator from Hancock, Senator Perkins, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Madam President and members of the Senate. It is always very nice to recognize local control and you want to recognize local control, I hope that people on the second floor have the same feeling towards that local control that the good associate of mine up here has. The issue was brought before us because four members of the legislative group, the authority, four out of seven, four to three vote, recommended for this change that was brought up to the legislative committee, four to three.

The authority to which the legislation is being talked about changing voted in favor of it. In my way of thinking the authority that is being changed recommends for the action that is actually operating it to my mind that is local control and what the people want. Plus the twenty percent of the registered voters requesting it, so I think it would be something that the community would want to do. It is with that vote that vote here in the Senate. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Madam President, ladies and gentlemen of the Senate. The authority of Eastport did vote four to three to recommend the original legislation. The city council of Eastport voted three to one opposing the legislation, now it is a four to one with a new city council member. There is an election in December of this year coming up where the people of Eastport may, if they like, remove three of the city council people. All the people that were present at the hearing, the City Manager, the President of the Council, the Chamber member, who is a lawyer that does not live in Eastport, but lives one town outside of Eastport. He represents thirty business people in Eastport recommending not to pass the legislation. He said, "that we really shouldn't be in a rush, we should give them time to gather their facts." They are really in a quandary down there. The whole thing came about because one faction wants to buy a piece of land and the other does not want to buy a piece of land. That is none of our business and it really is not our responsibility to get involved in that. My feeling is that we should not go along with this legislation when we had so many people oppose it. On the paper that was passed to us that one hundred or so people signed wanting this referendum in this community, said, "yes, we will vote on this subject, but by all means we want you to know that we are not

telling you we are for it or against it." So, therefore, they are not really telling us if they are in favor of this legislation either. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to ACCEPT the Minority OUGHT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BRANNIGAN, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, MATTHEWS, PEARSON, PRAY, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

ABSENT: Senators ANDREWS, BUSTIN, KERRY, LUDWIG

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator BALDACCI of Penobscot, to ACCEPT the Minority OUGHT TO PASS Report, in concurrence, PREVAILED.

The Bill READ ONCE.

On motion by Senator PRAY of Penobscot, the Bill LATER TODAY ASSIGNED FOR SECOND READING.

Senator PRAY of Penobscot 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 Pro Tem.

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

ORDERS

Joint Resolution

On motion by President PRAY of Penobscot (Cosponsored by: Speaker MARTIN of Eagle Lake) the following Joint Resolution:

S.P. 690

JOINT RESOLUTION RESPECTFULLY URGING

GOVERNOR JOHN R. MCKERNAN, JR.

TO TAKE CERTAIN ACTION TO PREVENT THE LOSS OF WORKERS' COMPENSATION COVERAGE IN MAINE

WHEREAS, the potential of mass withdrawal of workers' compensation insurance carriers from the State threatens to prevent the State from fulfilling its social and economic obligations to protect its workers; and

WHEREAS, the Superintendent of Insurance has authorized the withdrawal of 13 companies comprising approximately 60% of the market effective December 31, 1987, apparently on the grounds that he has no alternative in light of a recent decision of the Kennebec County Superior Court with regard to Docket Number CR-87-253; and

WHEREAS, the decision of the Kennebec County Superior Court is on appeal before the Maine Supreme

Judicial Court and will be heard in November, 1987, with a decision likely to be issued during the Second Regular Session of the 113th Legislature; and

WHEREAS, an ongoing legislative study committee has almost finished its evaluation of the Workers' Compensation Commission; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature now assembled respectfully urge the Governor of the State of Maine to intervene with the Superintendent of Insurance and request that the superintendent rescind his withdrawal authorization, or delay the authorizations until the Maine Supreme Judicial Court has decided on the ruling of the Kennebec County Superior Court with regard to Docket Number CR-87-253 and the legislative study committee has issued its recommendations to the Second Regular Session of the 113th Legislature; and be it further

RESOLVED: That a duly authenticated copy of this resolution be sent forthwith by the Secretary of State to the Honorable John R. McKernan, Jr.

Which was READ.

ion by Senator PERKINS of Hancock, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President, ladies and gentlemen of the Senate. The Joint Resolution that you have before you at this time, I was hoping would not have to appear here today, but after several discussions with the administration and a feeling as to where we are going in a shortly called future special session and the potential of what is referred to now as the crisis in the workers' compensation coverage of employers and employees in this state, I think the Joint Resolution before us at this time is properly before the Body.

The Joint Resolution, itself, urges the Governor to take certain actions in preventing the loss of the workers' compensation coverage to this state. It requests that the Governor intervene with the Superintendent of Insurance and requests that the activity that is taking place of which at this time leaning towards the approval of the withdrawal of insurance companies in this state that carry workers' compensation be delayed. It is my belief that not all that could be done by the Commissioner of Insurance, at this point in time, is being done, which would delay the withdrawal of those insurance companies. My concern is the fact that the Governor has already announced by Proclamation and through the media that he plans to call a special session on the twenty-first of October to deal with the workers' compensation situation. Ten days after that, is basically the magic figure, November first, of when the remaining forty percent of the companies will be deciding to file for withdrawal or not. I think we have to take some type of action at this time, so that when the Legislature is called back in on the twenty-first, that we are not sitting there with a gun that is cocked, hammer back and is ready to be fired, not only at the people of the state, but at this deliberate Legislative Body as well. I think that any activity or action we take that alleviates us from that pressure would be advantageous to the decision making process.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PRAY of Penobscot to ADOPT 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 BALDACCI, BERUBE, BRANNIGAN, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, MATTHEWS, PEARSON, PRAY, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

ABSENT: Senators ANDREWS, BUSTIN, ERWIN, KERRY, LUDWIG

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator PRAY of Penobscot, to ADOPT the Joint Resolution, PREVAILED.

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

Senate at Ease

Senate called to order by the President Pro Tem.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Law Affecting the Transfer of Shoreland Property" (Emergency)

H.P. 1412 L.D. 1915

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-420), without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE.

House Amendment "A" (H-420) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, 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:

ENACTORS

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

An Act to Amend the Comprehensive Protection for Ground Water Law

H.P. 1411 L.D. 1913

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

Emergency

An Act to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law

H.P. 1399 L.D. 1898
(C "A" H-411)

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 Pro Tem, 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 Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law

H.P. 1393 L.D. 1891
(C "A" H-409)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Stored Lobsters

H.P. 1400 L.D. 1899
(C "A" H-410)

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 Pro Tem, 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 Resolve

Resolve, Authorizing the Commissioner of Administration to Modify the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities

H.P. 1391 L.D. 1889

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

Emergency Resolve

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

H.P. 1407 L.D. 1912

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 Pro Tem, 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:

HOUSE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Necessary Staff Resources for the Department of Economic and Community Development" (Emergency)

H.P. 1406 L.D. 1911

Majority - Ought to Pass as Amended

Minority - Ought Not to Pass

Tabled - October 9, 1987, by Senator DUTREMBLE of York.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, October 9, 1987, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413).)

(In Senate, October 9, 1987, Reports READ.)

Senator PEARSON of Penobscot, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: Thank you Madam President and members of the Senate. I would like to explain to you why I was on the Minority Report. Yesterday, there was a far greater number on the Minority Report. I don't know what happened early this morning, but those things do happen. Nonetheless, I am still on the Minority Report.

The Department of Tourism presently has five positions that we created with the two million dollars per annum that we also allocated to them. They have requested three additional positions for one hundred and ninety-two thousand, which obviously will come from that budgeted amount. My concern is rather than create three positions, which next year would obviously go up in price, that I felt we could earmark the monies that they have to work with toward professional marketing or advertising whatever the need is. They already have five positions, this would give them eight to administer a two million dollar annual budget. So, in my mind, I felt that was not a priority. Also, by the time they have trained the three new additional positions, it does take time we are told in all divisions when they hire new positions. By then it would be January, so I felt that we could wait until the January session to include that in the budget as well. Much has been said about the need for tourism in our state, and I for one, as you all know, have been most supportive of the business community.

We need them very much, however, I guess it is a question of priority. There are so many unaddressed needs right now, social needs in our state, that to earmark that kind of money and create three positions for a Department that I felt could do without it, I did not feel that was a priority at this time. There are some who feel also that maybe we should look carefully at the tourism budget, let it work out first, let it get started, see what it can accomplish. There are some people who feel we are putting too much money into tourism, we need only ask the people perhaps of Bath, Woolwich, Arrowsic and the workers at BIW if they would like to see more tourist on the Carleton Bridge, I have not mentioned Freeport Maine. Thank you.

Senator BERUBE of Androscoggin requested a Division.

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

Senator PEARSON: Madam President, men and women of the Senate. Last year the Governor, in his budget request, asked for a substantial increase in the tourism budget. It is not my favorite thing, but in the process of the budget a certain amount substantially above what we had been allocating before was appropriated. I am not all that excited about tourism myself, but nevertheless the committee went along with it and, subsequently, so did the Legislature. Toward the end of the Session it was the understanding of the people who were new in tourism and for that matter Commissioner Mattimore, that some positions had been authorized in the pact and lo and behold, they had not been. The position count had not been put there. They came to us yesterday and asked us to put the three positions in that they needed. There has been some misunderstanding. I guess everybody's recollection is that it wasn't mentioned before the committee so consequently, we never discussed it. I submit to you that if we are going to give them that kind of budget and they say they need those people to handle that kind of money, then we probably should follow through and do a good job with it. I know some of the problems of the tourist influx this summer, but nevertheless I still think, although I'm not that keen on tourism, that we ought to keep our word with what I believe was originally intended.

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

Senator GAUVREAU: Thank you Madam President, men and women of the Senate. Truly I had not planned to speak on this particular issue at this particular hour but I feel compelled to make a few remarks. I have listened to the thoughtful comments offered both by my good colleague from Androscoggin Senator Berube and the Chair of the Appropriations Committee, Senator Pearson and I certainly respect his comments and his obligations chairing that committee and his desire to fulfill a commitment which he believes his committee has made and I respect his position. I do feel compelled to issue a few comments at this time.

I have spent the better part of the last two or three months trying to make a living. My efforts have been impaired substantially by repeated phone calls, repeated visits from various parties representing health care organizations, hospitals and I am everyday impressed and concerns with the positing of resources we have in this state to bring to bear upon very genuine issues in health care. Clearly our hospitals and our doctors are telling us we have not brought enough resources to bear to provide quality health care to people in this state. Part of that I believe is a function of the withdrawal of the Federal Government in this area. Nevertheless, the problems remain and they are persistent. It seems to me that, although certainly we can justify spending money in tourism for economic development as my colleague Senator Berube had mentioned, there are other issues which are much more compelling at this time.

Earlier in the day we passed a resolution urging the Commissioner of the Department of Human Services and his colleagues to re-visit an issue dealing with funding prenatal care in this state. As you may be aware due to overruns in that particular program, there are many indigent women in this state in jeopardy of losing essential health care services. It seems to me that we cannot lose sight of the fact that notwithstanding this recent economic boom, we are enjoying this state, we are still a poor state. We are a poor rural state and there are many Mainer's

who are suffering and who will suffer. We cannot lose sight of that and when we try to allocate the very limited resources we have, it seems to me that Senator Berube is correct when she indicates that we ought to be allocating those resources most judiciously and at this time I think it is appropriate for us to forebear in adding additional positions in tourism. As I say, I do this with respect and I understand the position of the Senator from Penobscot, Senator Pearson and he is defending a committee position which was taken earlier this year. I respect his position, but we have limited resources. I suggest we address those in critical areas of human need; in health care, housing and nutrition. Thank you.

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

Senator PEARSON: Madam President, men and women of the Senate. I may have given the wrong impression in that I may have given you the impression that we are asking for more money and taking more money. This is money that was put in the tourism budget and is not any additional money other than they had already been given. It is simply the creation of three positions which they thought they clearly had and they didn't because the position count wasn't put in there. We, of course, every time we meet deal with competing problems and the theory is, of course, that if your businesses are more healthy and you have more business coming in, more taxes will be paid to provide money for those other programs and all of your money can't be allocated in one place and you do have to put some initiatives forward to create money coming into the state and of course their argument is that tourism is one of the second most important industries in the state and it brings in revenue to pay the other bills.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

At the request of Senator BERUBE of Androscoggin, a Division was had. 19 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-413) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

SECOND READERS

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

House

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency)

H.P. 1396 L.D. 1895

Which was READ A SECOND TIME.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-300) READ.

Senator RANDALL of Washington requested a Division.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to ADOPT Senate Amendment "A" (S-300). 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 BALDACCI, BERUBE, BRANNIGAN, BUSTIN, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, TWITCHELL, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

ABSENT: Senators ANDREWS, ERWIN, KERRY, LUDWIG, PRAY, USHER

15 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 6 Senators being absent, the motion by Senator BALDACCI of Penobscot, to ADOPT Senate Amendment "A" (S-300), PREVAILED.

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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law" (Emergency)

H.P. 1398 L.D. 1896

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-417).

Signed:

Senator:

USHER of Cumberland

Representatives:

LORD of Waterboro

ANDERSON of Woodland

DEXTER of Kingfield

JACQUES of Waterville

MITCHELL of Freeport

MICHAUD of East Millinocket

COLES of Harpswell

HOLLOWAY of Edgecomb

HOGLUND of Portland

RIDLEY of Shapleigh

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-418).

Signed:

Senator:

TUTTLE of York

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-417) AS AMENDED BY HOUSE AMENDMENT "A" (H-423) thereto.

Which Reports were READ.

Senator TUTTLE of York moved to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-418) Report in NON-CONCURRENCE.

THE PRESIDENT PRO TEM: The Chair recognizes the same Senator.

Senator TUTTLE: Madam President and members of the Senate. The hour is late, but this is a very important issue and I hope you will bear with me. The two committee reports are essentially identical in all aspects except one. The Minority Report leaves the moratorium provision of the original Bill, L.D. 1896, in tact and thus requires that all applications for new or substantially expanded waste disposal facilities be subject to new solid waste laws that are currently being developed by the Department of Environmental Protection. This is something that we have worked on for the past year and a half. Last spring the Legislature directed the Department of Environmental Protection to adopt new rules governing incinerator ash and design of landfills. An emergency appropriation, as most of you probably remember, of \$25,000 was provided in order that these rules would be put on what we call the fast track. It now appears that these rules will not be ready until early 1988 and there are certain landfill applications in the state that are asking to be exempted from the new rules. If the Majority Report is adopted, which I hope it won't be which is the reason why I moved the other report, owners of energy recovery ash facilities such as PERC, which I believe the good Senator from Penobscot, Senator Pearson will speak to later will not be subject to the new rules by the D.E.P., so all that work we did for a year and a half and all that work we put together will not be affected by these people.

If the Majority Report is adopted, applications for all landfills will be subject to the new rules which, in my opinion, as the sponsor of the original moratorium and working with the committee was my intent in sponsoring the legislation. I think this is only fair and just. As most of you know, the Committee on Energy and Natural Resources has dealt with the issue of solid waste for the past year and a half. A Bill was presented to our committee pertaining to the siting of a landfill in Washington County as I am sure Senator Randall is aware. Those concerns by citizens were justified and the committee has reported out legislation attempting to address those legitimate concerns. The problem that I wish to present to you today is the last amended section of the Bill which proposes to exclude owners of energy recovery facilities used exclusively for the disposal of ash. The new rules that are being promulgated by the Department of Environmental Protection as I have said before, essentially means that all the work that I and many other people around the state have done to institute a moratorium to give the Department of Environmental Protection the time to adopt these new rules has been done in vain. This also means that those special interests such as waste management, MERC and PERC who have fought us every step of the way and want to use Maine as a dumping ground for the rest of the nation will be exempted by new rules being promulgated presently by the Department of Environmental Protection.

The same people that did not want the moratorium, the same people who fought us every step of the way are here right now. The same people that did not want any change in the old antiquated landfill laws are going to be exempt. At the public hearing a couple days ago, Senator Pearson and others from the Old Town and the Bangor areas expressed to us their concern about their landfill problems and disposal of waste in their area. The solution should lie in

proposing that the Department of Environmental Protection along with the Legislature formulate these new rules immediately. There have been problems and delays in the Department of Environmental Protection. They have not done their job as the Legislature has directed. As I said before, a special appropriation was passed at the end of the last session so they could do their work and speed up the process. Again, this has not been done. What we are doing now if this legislation passes in its present form is to say that we will address the problems of Bangor and Old Town and surrounding areas at the expense of the rest of the state. If these companies want to build a landfill in Presque Isle or outside of Rumford or in Washington or York County, that will not fall under the new rules being promulgated, but under the old antiquated, outdated rules which were the reasons why myself and many others instituted the moratorium in the first place. That is the reason why I am here today. Last year we passed the landfill legislation. I said that we could go home and tell the people of this state that we had done our job very well. I didn't get everything I wanted - neither did everybody else. Even though my constituents many times were upset, I did so for what I thought would be best for the state.

If this legislation passes and you do not accept the Minority Report as it is now, the people of this state have lost, the citizens of Washington County have lost. In the next few years we are going to have to make some very hard decisions in the state pertaining to areas like this and Maine's quality of life in general. Unless we are able to make those decisions objectively to protect future generations, then the Maine that I was born in and grew up in will be no more and the only person we will have to answer to is God himself.

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

Senator PEARSON: Madam President, men and women of the Senate. This is for me at least the most crucial issue of this Special Session. A year ago before the McKernan Administration was in office we had in this Senate one afternoon the Commissioner of the D.E.P. I asked him in a joint caucus of Republicans and Democrats emphatically about the moratorium issue and as it affected our ability to close our dumps in our area where I come from. You see, what had happened at that time was that everybody was concerned about out-of-state garbage coming in and nobody having any laws and we wanted time in order to catch our breath and make sure that Maine didn't become the dumping area of the world. While that was going on in my area there was a waste to energy project called PERC. There was another one in Biddeford called MERC.

What they were going to do was to take the garbage from the municipal dumps and burn it and produce electricity and sell it to C.M.P. and Bangor Hydro. When the Commissioner of the D.E.P. was here, I asked him if the moratorium would in any way affect the progress of those particular plants. He said absolutely not. I asked him about twenty different angles and all I could think of and all other people could feed me, will this bother it. And so they have been progressing. Having to meet the requirements of the D.E.P. all along just like anybody else who would have to. This project has been through so many hoops; financial hoops, D.E.P. hoops, all kinds of hoops. Now it comes to one of the requirements that it is required to have by the bank and obviously would have to have anyway and that is a place once they burn the trash to put the ash. They have to not only have that place but have a second place, sort of

a secondary fall back place which is in Presque Isle. They hired an engineering firm and said to that engineering firm go find us the best place in Maine to bury the ash. They didn't say where or anything, they just said go find us the best place. Well I have seen the map of the different places. I think there was almost fifty of them, twenty-five to fifty different places that they investigated and they came to one place which was the very best they could find in the whole state and it was in Washington County. Well, of course nobody wants anything like that and there is always going to be some protest. The township that they located it in has no people living there. Well, a Bill was put into the Legislature and has now been mutually agreed upon by all parties within the Committee on Energy and Natural Resources and satisfactory to PERC and the people who are going to run the ash dump and everybody is happy.

The only person who signed the Bill out Ought Not to Pass is Senator Tuttle and what this Bill does is clarify and make sure that the original promise in the moratorium for these two facilities which are going to burn the garbage of over one hundred towns in Maine will be able to continue to go on as was promised when the moratorium was put in place. I have a copy of the list of all the towns. Just about everybody in this Senate has towns or lives in a town that is going to be served by this particular facility. It goes from quite far north in Maine all the way down to the New Hampshire line and everything in between; Fairfield, China, Brewer, Bangor, Old Town, Rockland and on and on. I think that it would be ashamed to break that word we made at that time the moratorium was passed so that these Maine towns that have been promised to have a place to put their garbage when their dump is closed would now find themselves in a very, very shaky position. One of my town's has already closed their dump. Old Town is now looking for a transfer site to transfer and they are all geared up for these plants to open as I understand it probably January, February or March.

If you were to go along with Senator Tuttle's motion, it would put a major road block in that effort to solve that problem. This is not something that is environmentally degradating, it is something that is environmentally helpful. Many of the dumps that we have in Maine and a couple of the ones in my very district are sitting right on aquifers, but this will help immensely. This is probably one of the single greatest things that has happened as far as garbage in this state environmentally since I have been in the Legislature.

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

Senator BRAWN: Thank you Madam President, men and women of the Senate. I know the hour is late and I want to rise and thank Senator Pearson. I was going to ask to pose a question through the Chair because I have heard conflicting reports all day about this Bill and I have had many calls this week. I would like to pose a question through the Chair. Is Camden on that list?

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Madam President, Men and Women of the Senate. Camden, Hope, Lincolnville and Rockland are some of the ones in your area although I am not sure if I know all the towns in your Senate district.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Madam President. Just a brief comment as I realize it is getting very late. One concern that has been forthcoming from my area is the quality of life question and the environmental question of whether or not it is advisable for a dump such as this to be located over an aquifer.

At this hour of the evening I am certainly not qualified to stand here and debate that issue, but I am very concerned. I am pleased that there is a Minority Report here this evening to be voted upon and I certainly would support Senator Tuttle in his effort. There is no real way to knowing until we do have a problem from something, but hopefully through the process of the Department of Environmental Protection it will assure all the citizens of Maine that we have a place to put our trash and that that trash will be safe whether the dump is located in Aroostook County or Washington County or York County. Our water is a resource for all of the state not simply one particular geographic area. Thank you.

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

Senator PEARSON: Madam President, men and women of the Senate. I would not like to leave the impression that this ash dump is on an aquifer. It is not. Not only that, but in an effort to make sure that it is not there has been an expenditure of between \$25,00 and \$50,000 to drill holes through that entire area to establish the fact that it is not on an aquifer. It is not on an aquifer.

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

Senator TUTTLE: Madam President. I can understand the concerns of the good Senator from Penobscot, Senator Pearson, but we have rules that have to be promulgated. It is important that this be done before we go any further ahead. It is not fair for the rest of the state to suffer and my community will be affected like everybody else's, but I think it is the job of the D.E.P. to promulgate these rules. They haven't done their job and the reason why the landfill laws were in such bad shape in the first place is because things like this were done in the past. Let's give them a chance to do this. If you pass the Majority Report there is no incentive for them to do their job. I would encourage you to support the Minority Report. We have worked long and hard for the citizens of the State of Maine. Let's get these rules down and not have a landfill site in a poor location. Let's work with the new rules and not circumvent the law.

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

Senator BALDACCI: Thank you Madam President, men and women of the Senate. As a State Senator from Bangor it has been my experience for the last four or five years that probably one of the toughest departments that we have had to deal with has been the Department of Environmental Protection. A city like Bangor has it's own zoning, planning and code enforcement department, but yet the most constant complaints I get from areas and businesses has been the Department of Environmental Protection as far as getting approval, getting them up to review it, having to conform to their standards. I submit to you that as long as there is a procedure established and they get the Department of Environmental Protection's stamp of approval, believe me, I think that they will conform to everything to protect the public health or anything else that is encouraged.

It is just unbelievable what you have to go through and if they have to go through all of that plus other hoops I just couldn't imagine that. We have a system and a process established if they conform to it then god bless them, they have done everything they have been asked to do and it is environmentally sound. Thank you.

The Chair ordered a Division.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator TUTTLE of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-418) Report in NON-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 BERUBE, BUSTIN, DUTREMBLE, KANY, MATTHEWS, RANDALL, TUTTLE, WEBSTER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators BALDACCI, BLACK, BRANNIGAN, BRAWN, CAHILL, COLLINS, DILLENBACK, DOW, EMERSON, ESTES, GAUVREAU, GILL, GOULD, MAYBURY, PEARSON, PERKINS, SEWALL, THERIAULT, TWITCHELL, WHITMORE

ABSENT: Senators ANDREWS, ERWIN, KERRY, LUDWIG, PRAY, USHER

9 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 6 Senators being absent, the motion of Senator TUTTLE of York, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-418) Report, FAILED.

On motion by Senator PEARSON of Penobscot, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-417) READ.

House Amendment "A" (H-423) to Committee Amendment "A" (H-417) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-417) as Amended by House Amendment "A" (H-423), thereto ADOPTED, in concurrence.

Under suspension of the Rules, 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:

ORDERS

Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 689

ORDERED, the House concurring, that the following specified matters be held over to the next special session of the 113th Legislature:

COMMITTEE Appropriations & Financial Affairs

BILL (H.P. 1404) (L.D. 1904) - AN ACT Concerning Implementation of Weatherization

Assistance to Maine's Elderly.

Appropriations & Financial Affairs

(S.P. 675) (L.D. 1908) - AN ACT to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations.

Which was READ and PASSED.

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

Joint Order

The following Joint Order:

H.P. 1414

ORDERED, the Senate concurring, that the following specified matter be held over to the next special session of the 113th Legislature:

COMMITTEE

BILL

Judiciary

(H.P. 1383) (L.D. 1885)

- AN ACT Relating to Out-of-court Statements made by Minors.

Comes from the House READ and PASSED.

Which was READ and PASSED, 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:

Emergency

An Act to Correct a Typographical Error in the Solid Waste Law

H.P. 1392 L.D. 1890

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator WEBSTER of Franklin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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 Reduce the Potential for Violence during Labor Disputes" (Emergency)

S.P. 671 L.D. 1902

(C "A" S-298)

In Senate, October 9, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298) AND HOUSE AMENDMENT "A" (H-424) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail" (Emergency)

H.P. 1387 L.D. 1886

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-419).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-419) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ TWICE 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 Allocate Funds from the Highway Fund to Carry out a Feasibility Study on a Truck Registration Center

S.P. 688 L.D. 1916

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 Pro Tem. 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

Non-concurrent Matter

Bill "An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products"

H.P. 1388 L.D. 1887

(C "A" H-408)

In Senate, October 9, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408) AND HOUSE AMENDMENT "A" (H-421) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 Amending the Law Concerning 'Beano' or 'Bingo' on Indian Reservations

H.P. 1382 L.D. 1884

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Delay Implementation of Certain Fire Safety Standards

H.P. 1389 L.D. 1888

(C "A" H-412)

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 Pro Tem, 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 a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases

H.P. 1402 L.D. 1903

(C "A" H-414)

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

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

Senator WEBSTER: Thank you Madam President, Ladies and gentlemen of the Senate. I would like to pose a question through the Chair to a member of the Committee who might explain to me as to whether this Bill might be setting a precedent and if in the past had an occasion with the Attorney General might have come to the Legislature on a specific case asking to appropriate a specific amount of money to do what this Bill proposes to do. It is my opinion that we could be setting a bad precedent and that is my reason for opposing it. Thank you.

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

Senator PEARSON: Thank you Madam President, men and women of the Senate. This is a Bill to provide a small amount of help to the town of Wells, but more than that it is not just restrict to just the town of Wells. The principle involved that the state is now interested in and that is public access to beaches up and down the coast and on the lakes of the state. There is a larger question hanging in the balance than just the town Wells. Wells, as everybody in here knows, has been in the process of going through court actions to the tune of one hundred and ninety thousand dollars that they have put up. They are asking the state for thirty thousand dollars to buy the transcript of the last trial so that they might be able to appeal their case which the Attorney General of the State of Maine has become involved in. It really, as far as that town is concerned, is

not much to ask because it involves a larger picture than just Wells. I believe that it is not an isolated specific case, it is a generic case that they are arguing. I think that Senator Webster, of Franklin, is correct that if it were just an individual case of an individual town with no ramifications anywhere else, I think he would be right, but I think this has much more of a ramification than that, which is why we have gotten involved.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you Madam President and members of the Senate. This evening I had hoped that we could vote and have this over, but seeing that it has come here before and for those of you who were in the last session, seeing I had something to do with fighting this Bill and we have had a court decision which came down on the side that I wanted it to, I thought we might review some of the reasons why a few of us might not want to vote for this. First off, the court has ruled. That to me is important and I think that when an Attorney General decides he wants to take a case to the Supreme Court and use taxpayers money, you have got to remember that there are taxpayers on the other side of this issue using their own money, plus paying their taxes and paying for the case against them. A lot of those people who are property owners who realize that what this has to do with Moody Beach is a very trivial part of this. There are some things in me that say it is best to go to the court because I feel confident with the decisions that have come down since we passed the recreation Bill, of course Massachusetts ruled as I debated before, that just walking in innertidal zone was expanding and the illegal taking of personal property without compensation and that is the real case we are talking about here. Are you taking something that belongs to someone, expanding its use is a form of taking and are you taking something.

Quite frankly, although I really want this to be settled, I feel awfully bad for those people and they are not all very wealthy people who are contributing and fighting on the other side of this case when there was a clear loss in the courts.

When it was quite plain on all of the points what happened in this case in one court and we are spending this money now at a time when the question has been settled and the taxpayers who are going to pay for this all be it, thirty thousand dollars will also be paying on the other side, probably a great deal more than that.

THE PRESIDENT PRO TEM: 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BUSTIN, CAHILL, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ESTES, GAUVREAU, GOULD, KANY, MATTHEWS, PEARSON, RANDALL, THERIAULT, TUTTLE, TWITCHELL, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators BRAWN, GILL, MAYBURY, PERKINS, SEWALL, WEBSTER

ABSENT: Senators ANDREWS, ERWIN, KERRY, LUDWIG, PRAY, USHER

23 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 6

Senators being absent, and this being an Emergency Measure and 23 being less than two-thirds of the entire elected Membership of the Senate, the Bill FAILED OF ENACTMENT in NON-CONCURRENCE.

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

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

Senator PEARSON: Madam President, do I have any parliamentary alternatives? I really feel kind of bad about this because I had informed the sponsor of the Bill, a rather lovely lady, that it had passed the Senate by the sufficient number of votes. She doesn't usually ask for very much and she appeared before our Committee today on behalf of her town, her constituents, and her selectmen and asked that the Bill be passed like so many other people have during this Session. I think she made a logical pitch. I hope that you will reconsider when it comes back. I know that she would appreciate it.

Emergency

An Act to Provide Necessary Staff Resources for the Department of Economic and Community Development
H.P. 1406 L.D. 1911
(C "A" H-413)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 1 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 Pro Tem, 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 Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989

H.P. 1395 L.D. 1894
(C "A" H-416)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Authorizing Certain Debt of the County of Piscataquis for Renovation and Expansion of Jail Facilities and Ratifying Certain Action Taken by Piscataquis County in Connection with the Authorization of this Debt

S.P. 673 L.D. 1906

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

ENACTORS

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

An Act to Alter the Effective Date of Extension of Maine's Bottle Bill

S.P. 664 L.D. 1893

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

Emergency

An Act to Correct the Sewer Lien Law

S.P. 674 L.D. 1907

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Extend the Reporting Deadline of the Weatherization Services Study Committee

S.P. 680 L.D. 1910

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

On motion by Senator BRANNIGAN of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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 Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products

H.P. 1388 L.D. 1887

(C "A" H-408; H "A" H-421)

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 Pro Tem, 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 Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law

H.P. 1398 L.D. 1896

(H "A" H-423 to C "A" H-417)

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

Senator TUTTLE: Thank you Madam President, men and women of the Senate. The hour is late, I don't want to belabor this issue, I think you all know how I feel on this issue, I have expressed my views before. I just hope that we, as a state and as a Senate, realize that the long term economic benefit to the state whether it be controlled landfills, maintaining Maine's quality of life will probably be the most important issue that we will have to address in the years ahead. As I said before, I have expressed my views and I doubt very seriously if I will change anybody's vote, but I will be voting against this for the purposes that I have expressed earlier. Thank you.

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

Senator PEARSON: Thank you Madam President, men and women of the Senate. I will be brief, this is an issue which we debated at some length, which enables one hundred and ten towns or more, some are negotiating even now, to allow their garbage to be placed in a plant that will produce electricity and the ash to go to an area that is found suitable by engineers. That includes the plant in Orrington, which serves the greater Bangor area and the in Biddeford, which serves that area. Both are required to have this facility.

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 1 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

An Act to Amend the Charter of the Eastport Port Authority

H.P. 1396 L.D. 1895

(S "A" S-300)

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

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

ENACTORS

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

An Act to Reduce the Potential for Violence during Labor Disputes

S.P. 671 L.D. 1902

(C "A" S-298; H "A" H-424)

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 PRO TEM: 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.

Senator MAYBURY of Penobscot who would have voted NAY requested and received Leave of the Senate to pair her vote with Senator PRAY of Penobscot who would have voted YEA.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BRANNIGAN, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, TWITCHELL, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

ABSENT: Senators BERUBE, BUSTIN, ERWIN, LUDWIG, USHER

PAIRED: Senators MAYBURY, PRAY

15 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 5 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail

H.P. 1387 L.D. 1886
(H "A" H-419)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Law Affecting the Transfer of Shoreland Property

H.P. 1412 L.D. 1915
(H "A" H-420)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator DUTREMBLE of York, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act an to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (Emergency)

S.P. 685 L.D. 1914

In Senate, October 9, 1987, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-422) AS AMENDED BY HOUSE AMENDMENT "A" (H-426) thereto, in NON-CONCURRENCE.

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

Senator COLLINS: Madam President and members of the Senate. We have before us tonight a piece of proposed legislation that is very important to the State of Maine. It involves a substantive change in our insurance law. This Bill has not been heard by any committee. The Committee on Banking and Insurance, which was suggested, has not heard it. In this Body we have not debated it until this moment in time. Essentially it seems to me it is, of course, directed towards our problems with respect to workers' compensation insurance. However, talking and speaking directly to what the Bill does, I would like to suggest some of the things I think are flaws in the Bill. For example, it says that any carrier that offers certain lines in other states must offer the same lines in the State of Maine and that if they sell workers' compensation in Massachusetts, New Hampshire or Canada or England, why they must do the same thing in the State of Maine. To my knowledge there are perhaps no other states that have such astringent requirements as this. Now I am not absolutely sure, but I can't think of any at the moment. It doesn't just regulate the insurance industry which we expect to do in the State of Maine but it does a great deal more it sort of destroys a great deal of private enterprise and becomes a very severe restriction on business activity. I would like to suggest a couple of scenarios that you might consider while we talk about this Bill because I think it is one that can cause a great deal of harm if we were to enact it. Let me give you a couple of for instances with a couple of companies that I happen to be reasonably familiar with. One of these companies is Lumber Mutual Insurance Company which specializes in the lumber industry and their main business is in dealing with property and casualty. They also write automobile business and three years ago they made a decision to write workers' compensation in the State of Maine.

They have written it in other states they considered more favorable, but they decided to take a few selected risks in their particular area and they are writing it. It seems to me that if this Bill were enacted and this company decided that they didn't want to continue writing what little business they had in the State of Maine in workers' compensation they might be willing to drop their whole package. The industry that was served by a selective company that catered to this type of business would no longer be available to us. I think everybody knows, for example, that our hospitals and the medical fraternity are served by only a few underwriters. I think St. Paul Insurance Company is one of those and there is a mutual company in Maine that is owned by doctors that write the rest of that type of business. St. Paul probably writes it's business in Maine not with a great deal of enthusiasm and in other states they write some workers' compensation and they might write a little in Maine.

Suppose that this Bill were enacted and they decided that they didn't want to continue writing

workers' compensation in Maine and they were willing to pay the penalty of withdrawing entirely from Maine and all of the sudden we found ourselves in the position that our medical people could not get coverage and where our hospitals had difficulty in obtaining coverage. It seems to me that these could be very serious things to happen in the State of Maine and I suspect there are a number of specialty type companies that insure certain commodities, products, types of businesses that as an aside writes some workers' compensation. I imagine there are some maritime carriers that do some coastal business and they may by chance write some workers' compensation in some cases. It seems to me that they aren't going to be very enamored of a law that says they will write workers' compensation in the State of Maine where they know they can't possibly, under the present system, make any money whatsoever. I am suggesting to you that looking at the narrow confines of how this proposed law is structured and without getting into all the problems of workers' compensation which we must face on October 21, it seems to me that this part in itself is a very bad piece of legislation. I hope that this Senate would not in anyway endorse it. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Madam President and members of the Senate. We have in the State of Maine today an insurance crisis, a workers' comp. insurance crisis. The crisis exists for sure. What we do not know is if this crisis is by the insurance companies as some people say, is it orchestrated by them in unison in order to bring us to our knees with a gun to our head, or is it really true that we have a crisis. I do not know at this time and I am a member of a special committee that is looking into this presently. So far we have heard from one side of the issue. If the information that we have been gathering so far is accurate, we have more than a crisis, we have a disaster. I do not know, nor do any other members of the committee know if this is so at this point in time. In order for us to find that answer we need time.

I understand that the Governor is going to be coming with a proposal next week and I commend him for his efforts in this. I also commend his staff for what they have done. They have also helped us in our committee, but there are some questions as to the validity of some of that information that we have been provided. As an example of something that I found on my desk today from M.S.E.A., writing an open letter to the Governor where some of the information that has been provided to us indicates that Maine's workers' comp. claims run about twenty-seven per hundred compared to an average of eight in the rest of the nation. Well, when you stop and think that Maine has about five hundred and fifty thousand workers and we have roughly fifty five thousand claims per year total in Maine, that equates to about ten percent. This is quite far from the twenty-seven percent that is mentioned here. Maybe the twenty-seven percent is accurate. I don't know that, but there is enough doubt here that we need to look at this further.

This Bill that we have here would give us the time to look at this property because whatever it is that we decide they will have far, far reaching implication. It could make the difference of our workers being property provided for like they should, it could make the difference in providing for a property economic climate in this state. Very far reaching our decisions will be. For us to make that kind of important decision we need to base those

decisions on accurate information. The Council approved today a sum of money of eighty thousand dollars for the purpose of this special committee to hire actuaries that can provide us with the information that we need. In addition, hire someone who is an expert in the area of workers' comp. to assist us in finally getting to the bottom of this thing. There are always two sides to this question and most of the time the decisions that we have made are made because of gut feelings or because we have an allegiance here or there, but not really made on sound information.

The time has come for Maine to take some proper action if some action needs to be taken. I can assure you that the members of this committee, this special committee, are extremely concerned with this problem. If in the final analysis it is determined that Maine is very much out of line with the rest of the nation in it's workers' comp. coverage and laws that we have on the books and if drastic action has to be taken to bring us in line, this committee will do it. In order for us to do the proper thing, we need time and this Bill will give us this time. There is at least one other state that I know that has such a provision on the books and if my information is accurate that state is Florida. They go even further than what this Bill does. In Florida if you pull out of the state you are banned from re-entry for at least five years. This particular Bill here is designed to buy time. Consequently, there is a sunset on it and it will sunset on December 31, 1988. I suspect by the pace that this committee has been keeping that by the coming January we should have most of the information that we need. As a matter of fact, depending on the availability of the information that we are looking for, it could be a lot sooner. Rest assured that this committee will proceed forward as fast as it is possible and also as fast as the information becomes available.

If you give us a chance we will come up with something that is reasonable, something we can understand, something that will be fair and something that we can sell. I would urge you to support this Bill because to do less might cause us to take some drastic action that in the long run could cost us dearly. Thank you.

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

Senator WHITMORE: Thank you, men and women of the Senate. The hour is late and I really don't tend to carry this too much longer, but I find it awfully strange that some of the remarks that have been made this evening with regard to how we react and how we act and whether we are going to be put into a crisis. Let me assure you that we are into a crisis. When reference is made to reacting swiftly and maybe doing the wrong thing, I don't know about you people but when I walked in here today this is not one of the advanced agenda, public items. It came out this morning and hit our desks this morning.

For us to react and to move and to act on this this evening seems to me to be following through with a knee jerk type of reaction. I am also surprised to hear comments within this Chamber, within the Halls and throughout the day with regard to the immediacy of the crisis. If anyone in this room couldn't see this coming then they must have blinders on. Frankly, I expected it by last January 1, and it came about in this final straw that broke the camel's back came about as legislative action within the last Session; not the first Session, the 112th. I find it awfully strange that now there is a crisis upon us. Every warning in the world was given. I don't see how we can sit here as a Body and insist that in any

business whether it's the automobile business, the grocery business, the insurance business, whatever and be forced to continue to sell a product which they are losing money at. Now who's figures are we going to believe? We have heard comments about we see figures, but we are going to get our own figures. And then who's figures are we going to believe. Are we going to believe our own figures because the other person can't be trusted. Just who's figures are we going to believe? I don't know. But the crisis is upon us and I would hate to think that this type of an action would drive companies to leave this state. I don't think there is a person in this room if you sit back and look at the basis for insurance period to protect each and every one of us or our businesses from financial disaster because we individually can't afford to stand on our own merits and protect ourself. That is the whole nuts and bolts basis behind insurance. If they leave, what kind of shape are we going to be in? The state has spent and committed millions of dollars to economic development. What is the message that is floating throughout the country? This is not a pro-economic development move. If that car dealer that I made reference to earlier is losing millions of dollars selling parts through his dealership and wants to get out of the parts business, are we prepared to say no as long as you are selling automobiles you are going to sell parts regardless of how much you lose for money? Are we prepared to do that as well?

It would appear to me for as little as I know about restraint and trade practices, that it is restraint of trade. I would just urge everyone on the basis of the crises that are upon us today and they are real, they have been coming, we went through the liability crunch which was made reference to earlier with the medical malpractice. There have been some temporary measures made to alleviate that waiting hopefully to look at what a study committee is going to come back with for recommendations, but I would hate to think that this body would vote on this particular Bill and in favor of this Bill and jeopardize the very route of economics and economic good sense. Thank you.

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

Senator DUTREMBLE: Madam President and men and women of the Senate. The good Senator from Androscoggin, Senator Whitmore talks about the crisis. The good Senator from Aroostook, Senator Theriault talks about the crisis. Yet with the exception of the insurance companies pulling out, there really wouldn't be a crisis. But the insurance companies have not sent in their letters or gone to court to pull out we wouldn't be having a crisis right now. What this really boils down to is a little power struggle here between the insurance companies and the State of Maine. It is not between the Democrats and the Republicans, the Senate and the other Body or the Legislature on the second floor, it is between the insurance companies and the State of Maine.

The good Senator from Aroostook, Senator Collins talks to us about the insurance companies not being enamored with this Bill if we pass it. I would venture to say quite accurately and safely that the insurance companies have not been enamored with the State of Maine since 1981, or at least since 1981. At that point when we started asking them to show us why their rates were as high as we thought they were at that time and to prove to us that it was necessary to raise their prices to stay in business in the State of Maine. If I am not mistaken that started

back in 1981 and up until 1987 they have refused to show us those figures. This crisis was not created because of benefit structures, it wasn't created because employers want to pay less to their employees. It was created because two years ago we passed the Workers' Compensation Reform Act. At that time we told the insurance companies they would roll back their prices 80% to the business and that is when the insurance companies started to balk. They wanted the roll backs and all those savings that we made - the millions of dollars that I have heard at least in the last two days a couple of times that the reforms we did in 1985 weren't that significant. That is what I have heard some people say. You take those millions of dollars of cost savings that we made in 1985. The insurance companies wanted that for themselves and when they realized that they weren't going to stuff their pockets with money, that is when they started to balk and taking us to court and once they lost that, taking us to court to move out of the state.

So it is a power struggle between the insurance companies and the State of Maine. Has the State of Maine shown a good faith effort in trying to solve the problems of the workers' compensation system? Well, we did something in 1983, we did a major reform in 1985 and we unanimously created a select committee which was working on the problems that the Special Session of October 21 seems to be to address. That has already been done with the Select Committee. The good Senator from Aroostook, Senator Collins is on that Committee and the good Senator from Aroostook, Senator Theriault is on that committee. They have been working diligently and they have been getting a mass of information and they have been trying to get information from anybody who has been willing to talk to them. So why all of the sudden do we have to have this Special Session on October 21 and get everything done in ten, twelve days or whatever time we are going to have is nothing more than a crisis created by the insurance companies. They put the guns to our heads and cock the trigger and then fired it. We now are supposed to play dead. Well we are not going to.

This Bill here will only allow us the time to work without the pressure of having these insurance companies pulling out of the State of Maine. That is all that Bill would have done and that is exactly how we have explained it to everybody. We all submitted the offer that if you don't like this Bill, if this is a wrong method to approach, then think of a way to hold these insurance companies here in the state while the Select Committee is working. It didn't have to be this vehicle. There could have been half a dozen other ways to stop these insurance companies from pulling out of the State of Maine. That effort just is not being made. I am sure that with all the bright lawyers that we have in the State of Maine and the bright lawyers we have representing the insurance industry that they could have come up with a method if this method wasn't the right way. They didn't want to and I will not let the insurance companies dictate to me or to the people of my district or to the people of the State of Maine. The people from outside of the state with their money and with their power aren't going to tell us how to do things here. The day we do that, we should all pack up and go home because corporations will start running this country.

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

Senator COLLINS: Madam President and members of the Senate. First I would like to correct a couple of technical errors perhaps. At the present time this Bill has two amendments on it; House Amendment "A" and House Amendment "A" (H-422) to House

Amendment "A" (H-426). First of all, the sunset date is no longer December 31, it is July 1, 1988 as in its present form. Secondly, I would like to point out that the effective date which is in the second amendment is December 30, 1987, which means that companies doing business at that time would be covered when this went into law sometime after December 30. I don't know whether that is possible, but that is what it says. Thirdly, I realize that it is lots of fun to beat up on the insurance companies and I don't pretend to be an apologist for them, I pay workers' compensation bills and I deal with insurance companies as a consumer so I am obviously interested in getting the most from my money.

I would like to call your attention to the self-insurers of this state and they comprise a very substantial part of our work force. I am talking about workers' compensation and these are primarily the larger paper companies and they self-insure, so there is no insurance company involved, there is no premiums involved. They pay the bills according to the rules of the workers' compensation law. There is no profit motive at all. I noticed in the paper about four weeks ago I read a piece saying that one of these companies was paying about thirteen dollars per ton of paper produced for workers' compensation costs. The insurance companies weren't getting any of that money, that was coming out of the company fund to pay the bills on a direct basis. This particular company indicated that it was embarking on a program that involved safety and reduction in jobs and a number of techniques whereby they hope to reduce their costs of workers' compensation so that it might be somewhere near comparable with what they paid in other states. They also gave a figure and this may not be precisely correct, but as I recall it was around a dollar and thirteen cents per hour for their employees that they paid in direct costs for workers' compensation claims.

It seems to me if you forget all about the insurance companies and just stick to the self-insured costs that they pay in claims and in the rules and regulations of the workers' compensation law and you can get a case like this, it has to say to you that something is drastically wrong. When we started out this evening, I pointed out that I really thought that this Bill ought to be kept in its narrow confines which is a Bill that says that insurance companies that write other lines in other states that include workers' compensation ought to write the same things in the State of Maine, in a nut shell. Obviously, it is a device, a technique to get us into the other situation. That is what the Bill really says and it seems to me that is what we ought to be discussing. That is why I pointed out early on some of the problems with that concept in that when you deal with specialized underwriters on particular things, you can get in a lot of trouble. I would be very nice, I am sure you would be delighted if you saw a bunch of companies walk out that really weren't much concerned with workers' compensation, but were providing some of these other coverages which were essential for our well-being and yet, because we forced them to write workers' compensation in Maine, they decided to take their bag of business and go elsewhere and I suggest to you that this could be a real possibility. I hope that tonight we will not enact this and that we will continue to do our work in preparation for October 21 when we ought to resolve this problem. As my good friend, the good Senator from Aroostook, Senator Theriault has indicated, there are a number of us that have been working on this for sometime. I happen to serve in two functions in that I am a member of both the Labor

Committee and the Banking and Insurance Committee, so I have been rather involved with this whole problem since I came to the Legislature. Sometimes I think to my regret, however, I hope tonight that you will not enact this legislation and give us a chance to come up with something on October 21 that is reasonable and makes sense and puts Maine back in the main stream and that will still not deprive our workers who are injured with reasonable claims, service. Thank you Madam President.

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

Senator DUTREMBLE: Madam President and members of the Senate. I just want to make one thing clear and I don't know if I did that the first time I spoke. I don't doubt at all that we have to do something. I think that I am committed along with just about everyone I have spoken to that we have to do something with the workers' compensation system to correct the mess that we are in. I also want to clarify a couple of points that the good Senator from Aroostook, Senator Collins raised. The private insurers did not create this crisis. The private insurers, the self insurers will remain in the state. They are not the ones threatening to pull out. As a matter of fact, the Select Committee that is studying the workers' compensation problem is trying to address some of the concerns that the self insurers have and that would have been resolved sooner or later and I think sooner than a lot of people anticipate.

I am really glad that the self insurers were brought up because I think that if someone was out to buy insurance on an average would pay two dollars and fifty six cents per hundred with the self insurance and that same insurance bought in the private market would be seven dollars. If it is costing the self insurer two dollars and fifty-six cents on an average and you are saying that it is a lot, then can you imagine what seven dollars in the private market and how much extra money there is there. Somebody has got to be making it some place and that is what we are trying to find out. That's all.

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

Senator BALDACCI: Thank you Madam President and members of the Senate. This is probably, in my mind, one of the single most disgusting situations in the State of Maine. To have allowed this situation to develop to the point where it is right now. When Liberty Mutual first threatened to leave the state, most of the insurance companies were saying if you let them go, we are going to go. If you don't stand up to Liberty Mutual then we are going to walk the same path. And you know what, we didn't stand up to Liberty Mutual and also the other insurance companies followed suit. What did we do for the little business person? Forget about the insurance companies and the self insured. What did we do? We sat here in this Chamber in 1984 rimmed with labor people, people from my district looking at me every time I said no and we passed reforms. One of those reforms was an eight percent discount in the premiums that the business person was paying because it was estimated that they would save thirteen percent. The insurance companies balked at that and they took it to court. They lost, they wanted the money as the good Senator from York, Senator Dutremble said, they wanted the money for themselves because they had been losing so much over the years. By the way the small business person didn't get that money either because the insurance companies put everybody in an assigned risk pool.

There wasn't a good pool and a bad pool and a self insured pool, everybody was put into the assigned risk pool. Everybody's rates went up twenty-four percent instead of going down eight percent and they come to their friendly State Senator or State Representative and say what the heck happened. I thought you said you were going to decrease eight percent, but it went up twenty-four percent. I think that if this Senate and Legislature doesn't stand up to the insurance industry for a temporary period of time until we can work together as a Body and review the situation, then we will be really harming the business people in this state because they don't know what is going on. One minute we are making the reforms, the next minute the rates are going up the roof. We have gotten the lawyers out of the system win or lose, we have curtailed benefits, we have done just about everything that was asked and the situation gets worse. All I am suggesting to you is that if the leadership of this state is not willing to stand up to the situation in front of it and grasp it and say wait a minute we aren't going to let that happen and if there is a problem here let's sit down and look it over, if it is the eight percent they want then let's talk about it.

I'll be damned if I will be intimidated by that because I have gone to the wall and we have made those changes and a lot of the people arguing for this Bill voted the opposite way. I stood firm along with the good Senator from York and a lot of others and we made those changes and we went to the wall and all we got for it was nothing. We have got this situation here, so my suggestion to you and other members of the Legislature is pass this Bill and hopefully, the Governor will sign it and hopefully we will be able to work together Republicans and Democrats to try to look at the situation and try to make some changes. Forced under the gun like this we are only going to end up in a worse situation whether it is a state fund or whatever, I don't know. I think that we need to calm this situation down and then review it with cool heads. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank very much Madam President, ladies and gentlemen of the Senate. I have sat here for the past few minutes and listened to the comments of several individuals on the legislative proposal that is before you at this time for consideration. It is a Bill that I have introduced into this Legislative Session which was not allowed in with unanimous support of the two sides of the political aisle. I rise to clarify the issue, so the membership can clearly understand it and understand why it is here at this particular time. A couple of weeks ago I received a message that the Chief Executive was trying to reach me. I called down to the State House and found that he had left and I was to talk to Bob Moore in his office. Bob told me that the Governor was intending to call a Special Session to deal with workers' compensation, but he had no information to give me as to what the Governor was going to do.

Somewhere around nine o'clock that evening I called the Blaine House and talked with the Governor for close to an hour. We discussed the date that he was deciding upon. I understand now that if he had reached me earlier in that day he would have given me an option of several days that he was thinking about, but by that time of night he had decided that October 21 was the date that he was going to call the Session. I asked him what it was that he was going to propose. He said basically at that time he did

not know what it was. I attempted to get the Governor to not call a set date, but only announce that he was going to call a Special Session on Workers' Compensation because he had asked that we work with him to come up with a proposal. That we would then be called together and we would start to work on the situation and try to come up with legislation that would meet the criteria to have a two-thirds vote of acceptance so that we could deal with it in an immediate situation and not a proposal that might be able to have a majority vote, but fail the two-thirds. Then, of course, we would lose the effective date or even have a bill that would fail to receive the majority and thus, nothing at all would be done. We spent several days following that communicating back and forth with each other, still with no idea as to what was going to be the proposal.

I was asked if I would come down to a meeting to meet with the Superintendent of Insurance to have him share with us his perspectives on it. I came to that meeting and Mr. Edwards was unable to attend due to health, but we did meet with the Governor's staff and received some information not pertaining to any legislation or solution, but some information as to why they were assuming certain things. I have some concerns about the information that was given to us. Not that it was inaccurate, but only the fact that some of the information was vague. For example, the date of the information that was compiled, was compiled prior to the effective date of the reform of which the previous Legislature made on workers' compensation. A couple of factors about that several people have mentioned. A couple of equations I remember because they directly impacted my constituents. In the final analysis I voted for the package though I felt at that time it was my constituents, the mill workers, that were hurt the worst by it. The major problem was a cap on the benefit level which was scheduled to be increased from a hundred and sixty-six percent up, and we put a cap on it. Because of that cap the Workers' Compensation Commission is now at a hundred and forty-four percent of the state's average wage, instead of the hundred and sixty-six percent which it was when we took that action.

In essence, individuals who are hurt on the job no longer receive two-thirds of their wages up to a hundred and sixty-six percent, and it was to go to two hundred, but they now receive around a hundred and forty-four percent of the state's average wage. Those individuals who earn more than the state's average wage usually are paper makers, those in the B.I.W., and the other heavy industries.

When we passed that reform there were some savings to the employers and there were some savings to the insurance companies. That is only one of probably a dozen changes that we made and we adopted. Also, Senator Dutremble deserves a fair amount of credit for the work on that package, though it was not warmly received by all members of his caucus. He worked on both sides of the aisle on a proposal and those on the Labor Committee at that time can well remember the effort and the work that went into it. They sat down and spent several months going over a list of demands by the insurance companies. They tried to meet those various demands that the insurance company put forth, item by item and we as a Legislature, enacted a Workers' Compensation Reform Bill. The figures that were shared with us predate any of the impact of that legislation, so that alone makes those figures suspect as to the implications of the situation that exists today. We are now onto the tenth of October, it has been close to two weeks since the

Administration first called me about the Special Session. I have yet to see a legislative proposal from the Administration as to a solution on the Workers' Compensation System so-called crisis.

Time is starting to run out. As a legislator, and as an equal branch of government, we have an obligation and responsibility to seek remedies ourselves. I have not at any time attempted to convince the Governor that there is not a crisis, that there is not a problem and that he should not call the Legislature in, but only in the way he should do it. I have some concerns as to the perception that some individuals have in reference to the proposal that is before you at this time. The proposal is an important aspect to Maine business and Maine citizens. We have an insurance company and a number of other companies that are threatening to leave the state uncovered and we have been called by the Governor to come in on a date. We are willing to come in and try to solve that problem, but if we are to allow the insurance industry to be the controlling factor, either in statistics and figures or for them to set the agenda and the date and the time frames, then we are not representing our constituency. The Bill says that any carrier that offers in their portfolio a type of insurance in other states, will have to provide that same type of opportunity for Maine businesses to purchase that insurance from them.

The following proceedings were conducted after 12:01 a.m. October 10, 1987.

In the short term, that would mean if you want to pull out of workers' compensation you can, but you will fall out of every other form of insurance that you offer. I don't deny that, that is what the Bill does. We offered to sunset it, we said we would sunset it earlier, later, we would do whatever the administration wanted to as far as sunseting it, but we wanted to let them know that we were not just going to allow them to be calling all the shots. There is a little bit of difference, though, in reference to the various types of policies and the profit margins that are being made on them. We feel that might be an incentive for them to stick it out for a little bit until we see what the Governor proposes and until we see what the Legislature does with it.

At the present rate, I am not sure when the proposal will come before us, other than the fact that the twenty-first has been called. I imagine that the Legislature and the membership that I see here, in my own tenure, every time we come back into a new session after an election, there are always a number of new members, and some of us who have been here for some time, see issues that we have seen time and time again. But, because new members are here, we have to go back to the first step to handle those and address those Legislative proposals. Senator Whitmore from Androscoggin, talked about a pro-economic position, well when I was in college and taking numerous economic courses, in basic economics, if you lower wages and keep prices level, then your profit margin goes up. I don't think anybody here is advocating that in the name of economic development that we take that type of step, that we regress, or that we regress from the coverage of our workers who we consider to be our most valuable resources to a situation where we would allow them to be treated less than fairly on their compensation if they are hurt in the line of work.

If one would take the time to read the court transcripts in which Liberty Mutual attorney, Mr. Gillis, questioned the Superintendent of Insurance from Maine, one would become very suspect to the situation that now exists here as to how we got into this situation, which then creates a problem as to how we are going to solve the problem. If I can indulge you for just a few moments in reference to that transcript. Mr. Gillis, representing Liberty Mutual, asks the question of Mr. Edwards, "would it be fair to say, Mr. Edwards, that when you came into your position that you were aware of a crisis in workers' compensation coverage in the state of Maine?" Mr. Edwards response was, "crisis might be too strong of a word." Mr. Gillis, "Problem?" Answer by Mr. Edwards, "problem is certainly fair." Between that particular time of June 1, 1987 when Mr. Edwards came on board, to this point we have moved from the problem stage to the crisis stage. The situation through that transcript becomes more evident when later on in the transcript he is asked again by Mr. Gillis as to whether or not he had conferred with the Governor in reference to a tactic to delay the withdrawal of Liberty Mutual from selling workers' compensation in the state, the answer by Mr. Edwards is that absolutely not, had the Governor told him to do so, or had he had a meeting with the Governor asking him to delay as long as possible the pull out of Liberty Mutual.

That failure to do so has done more to create a crisis situation than any other act that has taken place in this state in the past six months, twelve months, or twenty-four months. That failure to attempt to guarantee and provide the coverage for Maine businesses has done more to put this gun to our head to deal with this situation. The Legislative proposal is an attempt not to provide a convenience to the insurance companies, Liberty Mutual and others, but it is to let them know that we, representatives of the people of this state, are not going to look kindly on their threats and their consideration of withdrawal in providing a mandatory required insurance.

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 PRO TEM: The pending question before the Senate is to RECEDE and CONCUR.

A vote of Yes will be in favor to RECEDE and CONCUR.

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, BRANNIGAN, BUSTIN, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, PRAY, THERIAULT, TUTTLE, TWITCHELL, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

ABSENT: Senators BERUBE, ERWIN, LUDWIG, USHER
17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion to RECEDE and CONCUR, PREVAILED.

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
Emergency

An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases

H.P. 1402 L.D. 1903
(C "A" H-414)

In House, October 9, 1987, PASSED TO BE ENACTED.
In Senate, October 9, 1987, FAILED ENACTMENT in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

Senator SEWALL of Lincoln moved that the Senate RECEDE and CONCUR. Subsequently, the same Senator requested a Division.

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

Senator PEARSON: Thank you Madam President, men and women of the Senate. After having spent over one hundred and ninety thousand dollars of money in the town of Wells for an issue that affects the whole state of Maine in its outcome, we are requesting in this Bill that the state pay thirty thousand dollars to carry the fight along paid principally by that community to the next level of appeal, the Law Court. The thirty thousand is mainly for the transcript of the preceding trial.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator SEWALL of Lincoln to RECEDE and CONCUR.

At the request of Senator SEWALL of Lincoln a Division was had. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 17 being less than two-thirds of the entire elected membership, the motion of Senator SEWALL of Lincoln to RECEDE and CONCUR, FAILED.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President, a parliamentary inquiry? The motion to Recede and Concur has failed, is that correct?

THE PRESIDENT PRO TEM: Yes, that is correct.

The Chair recognizes the same Senator.

Senator PRAY: I would now move that the Senate Adhere and encourage the members to vote against me.

Senator PRAY of Penobscot moved that the Senate ADHERE.

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

Senator WEBSTER: Thank you Madam President, I would like to pose a parliamentary inquiry? My question is whether the good Senator from Penobscot was on the prevailing side in order to make that motion?

THE PRESIDENT PRO TEM: The Chair would respond that any member of the Senate could make the motion to Adhere, one does not need to be on the prevailing side.

The pending motion before the Senate is the motion of Senator PRAY of Penobscot that the Senate ADHERE.

The Chair will order a Division. 14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator PRAY of Penobscot to ADHERE, FAILED.

Senator PRAY of Penobscot moved that the Senate RECEDE and CONCUR.

Senator SEWALL of Lincoln requested a Division.

Senator PRAY of Penobscot, requested and received Leave of the Senate to withdraw his motion to RECEDE and CONCUR.

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

On motion by President PRAY of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases.

H.P. 1402 L.D. 1903
(C "A" H-414)

(In House, October 9, 1987, PASSED TO BE ENACTED.)
(In Senate, October 9, 1987, FAILED ENACTMENT in NON-CONCURRENCE.)

(In House, October 9, 1987, that Body INSISTED.)
(In Senate, October 9, 1987, the Senate FAILED to RECEDE and CONCUR. Subsequently, the Senate FAILED to ADHERE.)

Senator CLARK of Cumberland moved that the Senate RECEDE.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you Mr. President, a parliamentary inquiry? A Bill having failed twice on Enactment and the hammer coming down, is this Bill properly before this Body?

THE PRESIDENT: The Chair would answer that the Bill is properly before the Body. The last motion to Adhere failed. Prior to that was the motion to Recede and Concur, which failed. The motion to Recede, is properly before the Body not having been previously entertained, which is now the pending motion.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you Mr. President, was the effect of the failure to Recede and Concur -- does that vote have the effect of Enactment?

Was the Bill killed on Enactment?

If the Bill had prevailed, would the Bill have been Enacted?

THE PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Senator SEWALL: Then the Bill was killed twice on Enactment?

THE PRESIDENT: The Chair would state that the motion to Recede and Concur failed by not receiving a two-thirds vote. If the motion to Recede and Concur had prevailed then the Bill would have been Enacted. The fact that the motion failed and the motion to Adhere having been made and failed, then the motion to Recede would be properly before the Body.

The Chair recognizes the same Senator.

Senator SEWALL: Thank you Mr. President.

Senator PERKINS of Hancock moved that the Senate CONCUR.

THE PRESIDENT: The Chair would inform the Senator that we would first have to pass the motion of the Senator from Cumberland, Senator Clark, for him to make his motion to Concur.

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

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-301) READ.

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

Senator WEBSTER: Thank you Mr. President, a parliamentary inquiry? Would it be appropriate for me at this point to move to Concur?

THE PRESIDENT: The Chair would advise the Senator that the motion to Amend would carry precedence.

The Chair recognizes the same Senator.

Senator WEBSTER: I would like more elaboration on how we are at this point. It would seem to me that when a Bill, of whatever nature, was passed by one Body, and the example of this legislation, and came to this Body and failed Enactment; went back to the other Body and they Insisted, we already at one point when we got it back, killed the Bill because we didn't have enough votes to Enact it. It seems to me, when it came back here as it did a hour ago, and we failed to Enact it that the Bill was dead. I just don't understand this, maybe other members of this Body do, but I would like to have you explain that to me on how we can continue to debate an issue that is dead having failed to be Enacted. Since no one voting on the prevailing side moved to reconsider, that would appear to me to be the motion that would keep the Bill alive. Could you explain that to me?

THE PRESIDENT: The Chair again would respond by saying that with an intervening motion having been made, the motion to Adhere, then the motion to Recede or to Recede and Concur again would be properly put before the Body.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President, a further inquiry? I would question as to whether the motion to Adhere was appropriately before this Body?

THE PRESIDENT: The Chair would advise the Senator that if he had wanted to raise that point he should have raised that point when the motion to Adhere was made. However, the motion to Adhere was properly before the Body, because the motion to Recede and Concur failed.

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-301) was ADOPTED.

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

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

On motion by Senator 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:

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases" (Emergency)

H.P. 1402 L.D. 1903
(C "A" H-414; S "A" S-301)

In House, October 9, 1987, PASSED TO BE ENACTED.

In Senate, October 9, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414) AND SENATE AMENDMENT "A" (S-301) in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414) AND HOUSE AMENDMENT "A" (H-428) in NON-CONCURRENCE.

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

Under suspension of the Rules, ordered sent forthwith to the Engraving 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 an to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers
S.P. 685 L.D. 1914
(H "A" H-426 to H "A" H-422)

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

NAYS: Senators CAHILL, COLLINS, EMERSON, GILL, GOULD, MAYBURY, PERKINS, RANDALL, SEWALL, WHITMORE

ABSENT: Senators BERUBE, BLACK, BRAWN, DILLENBACK, ERWIN, LUDWIG, USHER, WEBSTER

17 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 8 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases

H.P. 1402 L.D. 1903
(C "A" H-414; H "A" H-428)

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

At this point, a message was received from the House of Representative, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives has transacted all business which has come before it and is ready to Adjourn Without Day.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

Subsequently, the Senator from York, Senator DUTREMBLE of York reported that he had delivered the message with which he was charged.

Off Record Remarks

THE PRESIDENT: Some of the debate that we had this evening and to those members of leadership who have been participating in the discussion of the Second Special Session - at nine minutes after two this morning I received a letter from the Governor on his proposal on the workers' compensation package, though I have not yet reviewed it.

On motion by Senator EMERSON of Penobscot, at 2:12 a.m. on October 10, 1987, the Honorable CHARLES P. PRAY, declared the Senate of the First Special Session of the 113th Legislature, Adjourned Sine Die.