

# 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  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

**ERRATA:**

**The header on pages 192-198  
in the Second Regular Session**

**should read**

**“SENATE, FEBRUARY 11, 1988”**

**instead of**

**“SENATE, FEBRUARY 1, 1988”**

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

In Senate Chamber  
Thursday  
February 11, 1988

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County" (H.P. 1017) (L.D. 1370)

- In House, Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-437) on February 4, 1988.

- In Senate, Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

TABLED - February 10, 1988 by Representative CARROLL of Gray.

PENDING - Further Consideration.

On motion of Representative Smith of Island Falls, retabled pending further consideration and specially assigned for Tuesday, February 16, 1988.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Carter of Winslow, the House reconsidered its action whereby Bill "An Act Concerning Sanitary Conditions on Railroad Property" (Emergency) (H.P. 1647) (L.D. 2253) was referred to the Committee on Appropriations and Financial Affairs.

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed, and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

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

SENATE PAPER

Bill "An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency) (S.P. 866) (L.D. 2255)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

On motion of Representative Clark of Millinocket, Adjourned until Friday, February 12, 1988, at ten o'clock in the morning in memory of Percy K. Hanson, a former legislator.

Senate called to Order by the President.

Prayer by Reverend Christopher Sims of the Church of St. Mary in Falmouth.

REVEREND SIMS: Almighty God in due with the spirit of wisdom those to whom in Thy name we intrust the authority of government that there may be justice and peace at home and that through obedience to thy law we may show forth Thy praise among the nations of the earth. Oh God the fountain of wisdom whose will is good and gracious and whose law is truth, we beseech You to guide and bless our Senators and Representatives in the Legislature of this state that they may enact such laws that shall please You to the glory of Your name and welfare of Your people. Amen.

Off Record Remarks

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Resolve, to Provide Beatrice Adams of Gardiner Spousal Benefits Based on her Former Husband's Maine State Retirement System Benefits

H.P. 1626 L.D. 2221

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish and Appropriate Funds for the Advisory Committee on Staff Salary Parity and Nonresidential Services in Sheltered Group Homes for Girls"

H.P. 1627 L.D. 2222

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Create the Economic Corridor Action Grant Program"

H.P. 1625 L.D. 2220

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

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

Bill "An Act to Require Monitoring of Environmental Impacts by Persons who Spray Forestry Herbicides"

H.P. 1632 L.D. 2227

Bill "An Act Concerning Storage of Radioactive Material"

H.P. 1634 L.D. 2229

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Limit the Availability of Diet Drugs to Minors"

H.P. 1628 L.D. 2223

Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.

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

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

Bill "An Act to Ensure Proper Payment of Fringe Benefit Contributions for Construction Workers"

H.P. 1631 L.D. 2226

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

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

Bill "An Act to Limit Elected County Officials to Commissioners, Sheriffs and Probate Officers"

H.P. 1629 L.D. 2224

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop"

H.P. 1624 L.D. 2219

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

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

Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes"

H.P. 1630 L.D. 2225

Bill "An Act Establishing Rights-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress"

H.P. 1633 L.D. 2228

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

Which were referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
February 10, 1988

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 State and Local Government has had under consideration the nomination of Colin C. Hampton of Cape Elizabeth, for appointment to the Maine Court Facilities 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. Baldacci of Penobscot

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 Colin C. Hampton of Cape Elizabeth, for appointment to the Maine Court Facilities Authority be confirmed.

Sincerely,  
S/John L. Tuttle  
Senate Chair  
S/Donnell P. Carroll  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Colin C. Hampton of Cape Elizabeth, for appointment to the Maine Court Facilities Authority be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, DILLENBACK, DOW, USHER

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 Colin C. Hampton, for appointment to the Maine Court Facilities Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
February 10, 1988

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

February 10, 1988

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 State and Local Government has had under consideration the nomination of Howard A. Goldenfarb of Portland, for appointment to the Maine Court Facilities 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. Baldacci of Penobscot

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 Howard A. Goldenfarb of Portland, for appointment to the Maine Court Facilities Authority be confirmed.

Sincerely,  
S/John L. Tuttle  
Senate Chair  
S/Donnell P. Carroll  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Howard A. Goldenfarb of Portland, for appointment to the Maine Court Facilities Authority be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, DILLENBACK, DOW, USHER

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 Howard A. Goldenfarb, for appointment to the Maine Court Facilities Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

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 State and Local Government has had under consideration the nomination of Mark A. Kearns of Kennebunk, for appointment to the Maine Court Facilities 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 1  
Representatives 9

NAYS: 0

ABSENT: 3 Sen. Tuttle of York,  
Sen. Baldacci of Penobscot,  
Rep. Look of Jonesboro

Ten 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 Mark A. Kearns of Kennebunk, for appointment to the Maine Court Facilities Authority be confirmed.

Sincerely,  
S/John L. Tuttle  
Senate Chair  
S/Donnell P. Carroll  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Mark A. Kearns of Kennebunk, for appointment to the Maine Court Facilities Authority be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, DILLENBACK, DOW, USHER

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 Mark A. Kearns, for appointment to the Maine Court Facilities Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 COMMITTEE ON STATE AND LOCAL GOVERNMENT  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 February 10, 1988

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 State and Local Government has had under consideration the nomination of J. Benjamin Wootten of Blue Hill, for appointment to the Maine Court Facilities 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 1  
 Representatives 9  
 NAYS: 0  
 ABSENT: 3

Sen. Tuttle of York,  
 Sen. Baldacci of Penobscot,  
 Rep. Look of Jonesboro

Ten 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 J. Benjamin Wootten of Blue Hill, for appointment to the Maine Court Facilities Authority be confirmed.

Sincerely,  
 S/John L. Tuttle  
 Senate Chair  
 S/Donnell P. Carroll  
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of J. Benjamin Wootten of Blue Hill, for appointment to the Maine Court Facilities Authority be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

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

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

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

Is the Senate ready for the question?  
 The Doorkeepers will secure the Chamber.  
 The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
 NAYS: Senators ANDREWS, BERUBE, BLACK,  
 BRANNIGAN, BRAWN, BUSTIN, CAHILL,  
 CLARK, COLLINS, DUTREMBLE, EMERSON,  
 ERWIN, ESTES, GAUVREAU, GILL, GOULD,  
 KANY, KERRY, LUDWIG, MATTHEWS,  
 MAYBURY, PEARSON, PERKINS, RANDALL,  
 SEWALL, THERIAULT, TUTTLE,  
 TWITCHELL, WEBSTER, WHITMORE, THE  
 PRESIDENT - CHARLES P. PRAY  
 ABSENT: Senators BALDACCI, DILLENBACK, DOW,  
 USHER

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 J. Benjamin Wootten, for appointment to the Maine Court Facilities Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 DEPARTMENT OF FINANCE  
 STATE HOUSE STATION 14  
 AUGUSTA, MAINE 04333  
 February 10, 1988

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

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1987.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,  
 S/David A. Bourne S/Victor E. Fleury  
 State Controller Deputy State Controller  
 Which was READ and with Accompanying Papers  
 ORDERED PLACED ON FILE.

The Following Communication:  
 ADVISORY COMMISSION ON RADIOACTIVE WASTE  
 STATE HOUSE STATION 120  
 AUGUSTA, MAINE 04333  
 February 10, 1988

Honorable Charles P. Pray  
 Senate President  
 State House Station 3  
 Augusta, Maine 04333  
 Dear Senator Pray:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1987. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the

regular legislative session and at other times as necessary."

As the new chairman of the Advisory Commission, I would like to repeat my predecessor's invitation to you to call on us whenever you or your constituents need information about radioactive waste disposal. Our office is on the third floor of the Maine State Retirement Building, across Sewall Street from the parking garage. During office hours, you can reach the staff at 289-3059. We also have a 24-hour toll-free answering machine at 1-800-453-4013.

Sincerely,  
S/Rep. James Mitchell  
Chair, Advisory Commission  
on Radioactive Waste

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

The Following Communication:

MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
STATE COMPENSATION COMMISSION  
January 15, 1988

Honorable Charles P. Pray  
113th Maine State Legislature  
Augusta, Maine 04333  
Dear President Pray:

Pursuant to Title 3, section 2-A, subsection 2 of the Revised Statutes, the State Compensation Commission is pleased to submit its second interim Report to the Legislature.

Since submitting its first Interim Report last May, the Commission has met five times to continue the evaluation of various compensation policies affecting the Governor, justices and judges, constitutional officers, Legislators, Clerk and Assistant Clerk of the House of Representatives, Secretary and Assistant Secretary of the Senate, and Indian Representatives. Enclosed in this Interim Report are recommendations concerning justices and judges salaries, various components of legislators' compensation and the salary of the State Auditor. Also enclosed is draft legislation which would implement these recommendations.

We have planned to continue our review of the Governor's compensation and the salaries of Maine's justices and judges and will report on these issues in our final report due November 15, 1988.

We look forward to answering any questions you or your fellow legislators may have concerning this interim Report and the issues that remain before the Commission.

Sincerely,  
S/Stephen R. Crockett  
Chair

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

SENATE PAPERS

Bill "An Act to Provide More Positions in the District Attorney's Office in Cumberland County"  
S.P. 859 L.D. 2247

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator GILL of Cumberland,  
Representative MACOMBER of South Portland,  
Representative KIMBALL of Buxton  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27

Bill "An Act to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law"  
(Emergency)

S.P. 863 L.D. 2251

Presented by Senator ESTES of York  
Cosponsored by: Representative HOLLOWAY of  
Edgcomb, Representative RYDELL of Brunswick,  
Senator CLARK of Cumberland  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26  
Which were referred to the Committee on  
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED  
PRINTED.

Sent down for concurrence.

Bill "An Act Relating to the Penobscot Indian  
Reservation" (Emergency)

S.P. 860 L.D. 2248

Presented by Senator PEARSON of Penobscot  
Cosponsored by: Representative CASHMAN of Old  
Town

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Bill "An Act to Study Alternative Dispute  
Resolution in the Superior Court"

S.P. 861 L.D. 2249

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative FOSTER of  
Ellsworth, Representative ALLEN of Washington,  
Representative MURPHY of Kennebunk

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Which were referred to the Committee on JUDICIARY  
and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Authorizing Kenneth and Janice Demuth to  
Bring Civil Action Against the State

S.P. 862 L.D. 2250

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Senator BRAUN of Knox,  
Representative ALLEN of Washington

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Which was referred to the Committee on LEGAL  
AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require State-Leased Buildings to  
Meet Certain Air Quality Standards"

S.P. 858 L.D. 2246

Presented by Senator TUTTLE of York  
Cosponsored by: President PRAY of Penobscot,  
Senator WEBSTER of Franklin, Representative  
CARROLL of Gray

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26  
Bill "An Act to Correct Inconsistencies in the  
Publication of Legal Notices"

S.P. 864 L.D. 2252

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator PERKINS of Hancock,  
Representative PRIEST of Brunswick,  
Representative TELOW of Lewiston

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26  
Which were referred to the Committee on STATE AND  
LOCAL GOVERNMENT and ORDERED PRINTED.

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.

On motion by Senator MATTHEWS of Kennebec, RECESSED until the sound of the bell.  
After Recess  
Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency)

S.P. 866 L.D. 2255

Presented by Senator DUTREMBLE of York  
Cosponsored by: Representative MCHENRY of Madawaska, Representative TAMMARO of Baileyville, Senator ERWIN of Oxford

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27 Which was referred to the Committee on LABOR and ORDERED PRINTED.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Make Substantive Corrections in the County and Municipal Laws" (Emergency)

H.P. 35 L.D. 36

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-442).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-442) AS AMENDED BY HOUSE AMENDMENTS "A" (H-444) AND "B" (H-445) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-442) READ.

House Amendment "A" (H-444) to Committee Amendment "B" (H-442) READ and ADOPTED, in concurrence.

House Amendment "B" (H-445) to Committee Amendment "B" (H-442) READ and ADOPTED, in concurrence.

Committee Amendment "B" (H-442) as Amended by House Amendments "A" (H-444) and "B" (H-445) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Home Rule Authority of Municipalities" (Emergency)

H.P. 384 L.D. 506

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-441).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-441)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-441) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Require Full State Funding of any Legislative Mandate"

H.P. 877 L.D. 1178

Reported that the same Ought Not to Pass.

Signed:

Senators:

PEARSON of Penobscot

EMERSON of Penobscot

Representatives:

NADEAU of Lewiston

RIDLEY of Shapleigh

CHONKO of Topsham

LISNIK of Presque Isle

CARTER of Winslow

MCGOWAN of Canaan

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

H.P. 1623 L.D. 2218

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

DAVIS of Monmouth

FOSS of Yarmouth

FOSTER of Ellsworth

HIGGINS of Scarborough

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

Which Reports were READ.

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

Senator ESTES: Ladies and Gentlemen of the Senate. I am a little bit concerned with the timing of this bill. I am also concerned whether there is really an awareness of what the impact of this bill is going to be. I would like to address, first of all, my concern about the timing. We have two bills that will be coming before the Education Committee that deal with education funding.

The first bill which is L.D. 2021, An Act to Promote the Enhancement of Education in Maine, deals with the Governor's supplemental budget for education to the tune of \$30 million which is based a great deal on the recommendations that came out in the Commissioners Report on the School Funding Task Force. There has been serious concern with the question of equity in the school funding formula. Since last spring, the task force which I served as a commission member worked very long and hard and came up with significant recommendations that will be part of L.D. 2201. I think we need to take those into very serious consideration and report those out and act on those.

I also am concerned because L.D. 355, which is a hold-over from the last Session, An Act to Increase the State's Share of Education Costs, would boost state education share to sixty percent and then eventually sixty-five percent. This bill has a very sexy title. It sounds like it is the property tax relief measure. It is not going to effect present funding of state mandated programs. It will deal with future programs in terms of requiring full state funding for any legislative mandate. I would like to see this bill actually tabled unassigned so that we could consider these other bills and then come back and consider this issue which is an issue that is very much on people's minds today. Thank you.

On motion by Senator CLARK of Cumberland, Tabled  
Unassigned pending, ACCEPTANCE OF EITHER REPORT.

Senate

Leave to Withdraw

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

Bill "An Act to Provide Assistance to Parents of  
Exceptional Students"

S.P. 392 L.D. 1211

SECOND READERS

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

Senate As Amended

Bill "An Act Relating to the Powers of the Maine  
Youth Center Employees"

S.P. 729 L.D. 1988  
(C "A" S-314)

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

Sent down for concurrence.

ENACTORS

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

An Act to Extend the Sunset Review Period for  
Rate Regulation Reform for Certain Electric Utilities

H.P. 1425 L.D. 1936  
(C "A" H-438)

An Act Relating to Kents Hill School

H.P. 1437 L.D. 1953

An Act to Clarify the Offense of Furnishing  
Liquor to a Minor

S.P. 736 L.D. 1995

An Act to Require Basic Written Contracts for  
Home Construction Work

S.P. 838 L.D. 2175

An Act to Clarify the Laws Relating to Notaries  
Public

S.P. 839 L.D. 2176

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

An Act Relating to Taxation of Trucks

H.P. 1284 L.D. 1757  
(H "A" H-440)

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

Resolve

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

H.P. 1481 L.D. 2016  
(C "A" H-439)

On motion by Senator PEARSON of Penobscot, Tabled  
1 Legislative Day, pending FINAL PASSAGE.

Emergency

An Act to Clarify the Authority for Judicial  
Suspension of Motor Vehicle Licenses

S.P. 656 L.D. 1879  
(S "A" S-310)

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.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator PEARSON of Penobscot,  
ADJOURNED until Friday, February 12, 1988, at 10:00  
in the morning.