

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

An Act to Provide a Method for Taxation of Real Property When Owner is Unknown (H.P. 1753) (L.D. 2402) - In House, Passed to be Enacted on March 10, 1988. HELD at the request of Representative SMITH of Island Falls.

Representative Smith of Island Falls moved that the House reconsider its action whereby L.D. 2402 was passed to be enacted.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby L.D. 2402 was passed to be enacted and specially assigned for Tuesday, March 15, 1988.

The Chair laid before the House the following matter: Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Representative Cashman of Old Town, was referred to the Committee on Banking and Insurance in concurrence.

On motion of Representative Vose of Eastport, the House reconsidered its action whereby (H.P. 1630) (L.D. 2225) 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" (C. "A" H-470) was passed to be engrossed.

The Report was read and accepted as amended, the Bill was read once.

Committee Amendment "A" (H-470) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Men and Women of the House: I now offer House Amendment "A" (H-479) to Committee Amendment "A" (H-470) and move its adoption.

House Amendment "A" (H-479) to Committee Amendment "A" (H-470) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading, Monday, March 14, 1988.

(Off Record Remarks)

On motion of Representative Soucy of Kittery, Adjourned until Monday, March 14, 1988, at eight-thirty in the morning.

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

In Senate Chamber
Friday
March 11, 1988

Senate called to Order by the President.

Prayer by Chaplain Marvin Milbury of the Maine Army National Guard in Portland.

CHAPLAIN MILBURY: Almighty God our Father. You have made known Your authority and delivered Your orders for the day in Your holy law. You have given these men and women present here today authority to exercise leadership over us and have bidden us to obey them and pray for them. We beseech You, fill our leaders in our state government with zeal for the tasks delegated to them and with understanding and concern for those who, serving under them, must carry out those tasks. May they serve You with upstanding and exemplary lives and thereby give those whom they lead an ideal to follow. With Your infinite goodness direct the hearts of all here today who bear the weight of authority. We ask, by Your grace, not to necessarily lighten the load or diminish the responsibility, but to add strength to our leaders in the Senate to bear them. Help them with the power of Your holy spirit to make decisions in accordance with Your will, and for the welfare of all our people, and for the advancement of righteousness. Protect them from the snares of the enemy and the deceits of the world. Let no pride of power betray them into rejection of your commandments; and grant that both leaders and people may with one mind serve You our God and King. Through our Lord's name we pray. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Pertaining to Fire Permit Enforcement"

S.P. 865 L.D. 2254
(S "A" S-319)

In House, February 18, 1988, PASSED TO BE ENGROSSED, in concurrence.

In Senate, February 26, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-319) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-319) AS AMENDED BY HOUSE AMENDMENT "A" (H-471) thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Add the Commissioner of Labor as an Ex Officio Member of the Board of Trustees of the Vocational-Technical Institute System"

H.P. 1824 L.D. 2499

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

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

Bill "An Act to Revise the Certificate of Need Process Dealing with the Purchasing and Delivery of New Medical Services"

H.P. 1542 L.D. 2097

H.P. 1825 L.D. 2500

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.

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Resolve, to Change the Reporting Date of the Commission on Sport Fisheries (Emergency)

H.P. 1663 L.D. 2275

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.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Bill "An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls"

H.P. 1823 L.D. 2498

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.

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Make Corrections in the Recodification of the Liquor Laws"

H.P. 1598 L.D. 2184

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-467).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-467) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Pursuant to Resolves

Committee on BANKING AND INSURANCE

The Committee on BANKING AND INSURANCE, pursuant to Resolves 1987, Chapter 65, ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide a Mechanism for Insurance for Foster Care and Respite Care"

H.P. 1821 L.D. 2496

Be referred to the Joint Standing Committee on BANKING AND INSURANCE for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Resolves

Committee on UTILITIES

The Committee on UTILITIES, pursuant to Resolves 1987, Chapter 27, ask leave to submit its findings and to report that the accompanying Resolve, to Establish the Commission to Study the Management of Water Resources in Maine

H.P. 1822 L.D. 2497

Be referred to the Joint Standing Committee on UTILITIES for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on UTILITIES and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on UTILITIES and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

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 Pertaining to Hospital Blood Donorship Policies"

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Laws Governing Absentee Balloting"

H.P. 1600 L.D. 2189

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-468).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-468) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on AGRICULTURE on Bill "An Act to Amend the Animal Control Laws" (Emergency)

H.P. 1505 L.D. 2055

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Prohibit Publication of Names of Concealed Weapon Permit Holders"

H.P. 1516 L.D. 2069

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

H.P. 1817 L.D. 2487

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate
Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Additional Appropriations to Continue the Dioxin Study"

S.P. 818 L.D. 2138

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Year Ending June 30, 1989" (Emergency)

S.P. 837 L.D. 2174

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-331).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-331) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Volunteer Literacy Services for Maine Citizens"

S.P. 876 L.D. 2279

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-330).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-330) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act to Create a Single Point of Contact for the Operators of Commercial Vehicles"

S.P. 796 L.D. 2093

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-332).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-332) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Establish a Presidential Primary in Maine"

S.P. 123 L.D. 328

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-329).

Signed:

Senators:

KANY of Kennebec

ESTES of York

Representatives:

PRIEST of Brunswick

MARTIN of Van Buren

HARPER of Lincoln

JALBERT of Lisbon

TUPPER of Orrington

PERRY of Mexico

PAUL of Sanford

HICHBORN of LaGrange

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

Signed:

Senator:

DILLENBACK of Cumberland

Representative:

STEVENS of Sabattus

(Representative MURPHY of Berwick Abstained)

Which Reports were READ.

Senator KANY of Kennebec moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am doing better, there are two of us opposing this Bill. Usually there is only one. These bills seem to arise every year. I know it is not a major function because the parties can decide whether they want to incorporate this into their bylaws. The problem I have with this is that it has been stated and is stated that people do not turn out for caucuses. They say only five percent of the people turn out. I want you to know that if only five percent of the people turn out there would be less people turn out in the future. A presidential primary is the only reason we are able to get people to our caucuses. We have large groups attend. We had the Robertson's group attend this year which we were delighted to have and it gives us an opportunity to bring new people into the party. If you don't have a caucus, you don't have that approach to people. You still have your State Convention, you still have to elect delegates and if the people go to a poll and vote, they aren't going to bother to come to the caucus or have any party affiliation. I just don't think it is the right thing to do. I understand the move for this and I appreciate the sponsor's interest. I hope somebody will vote against this. Thank you.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. I agree with the Senator from Cumberland, Senator Dillenback in that presidential caucuses truly are a vehicle to bring more people into the party process and certainly the caucus that we as Democrats held in Portland was an exciting event where numbers of people came in and talked not only about the candidates, but about issues that were important to them. Certainly as an elected official I took advantage of that opportunity to meet with my fellow Democrats and discuss those issues. It was a very important process and is something which I think we should consider seriously keeping. The reason I am supporting the majority of the Committee this afternoon is not because I necessarily agree that a primary is in the best interest of the Democratic

Party or that I disagree with the Sentiments of Senator Dillenback, but it is because we are leaving the option open to the parties themselves in this particular piece of legislation. We are not now saying that there will be primaries as opposed to caucuses. What we are saying on Page 2 of the Bill is that "whenever the State Committee has voted to conduct a presidential primary, then that presidential primary will be allowed to be conducted." Right now the parties are prohibited by conducting a primary even if they want to. This is a choice bill. It is not a bill that throws or rams primaries down the throats of a party that doesn't want them. It simply leaves it up to the party to decide and I think that makes a lot of sense. When our party makes its decision and debates this issue as to whether or not we are going to have a caucus or primary, then I will be echoing the sentiments that Senator Dillenback has just made on the floor of this Senate to my State Committee. Let's let the State Committees decide. Thank you.

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

Senator KANY: Mr. President and Members of the Senate. With the caucuses fresh in our minds this certainly is an appropriate time to take action on a bill such as this. Senator Andrews of Cumberland is absolutely correct as is Senator Dillenback also of Cumberland when they speak about the parties being able to set their own rules. The U.S. Supreme Court has actually ruled that political parties are like private clubs and as long as they do nothing unconstitutional such as discriminating, they can set their own rules. This legislation would put into place the system so that if they chose to have a presidential primary during the next presidential election year they could. There has been a lot of comment in the halls and over the phone, by letters and in conversations throughout the State of Maine about our caucuses this year. It became clear to many people that caucuses are always confusing. They turn many people off from the political system. Many people have even chosen not to stay for the actual vote after hearing some of the debate. Lacking is the privacy of the voting booth and I believe that is one of the main reasons why so few people turn out for caucuses. It just simply is not consistent with the important value of privacy and being able to make that decision by yourself without others viewing that vote. The Republican Party had about five percent turn out, their biggest ever this year and I believe that the Republican members of this Body would agree, that caucus left something to be desired in that sometimes a few could make the decisions for all the enrolled members of that party and five percent at the biggest turn out ever certainly is nothing to brag about. The Democratic Party did not do as well this year, at least one other year it did better, but even then it was a low turn out compared to the smallest turn out for formal primaries when we choose gubernatorial candidates, congressional candidates, legislative candidates, etc. Very few people participate and that also is inconsistent with our value system here in Maine which people like to see participatory democracy. They like to see all citizens really participate in that process and make these important decisions. Voting really is the most important decision perhaps that we make and it is really basic to all of our rights because the availability and the actual voting is really preservative of all our rights in a democracy. It is extremely important. People are literally disenfranchised. Those who are ill, those who are out of their community or working that particular

shift have no opportunity for a voice in the process in nominating that all important person to be that party's nominee for President of the United States.

I believe the time has come for us to enact such legislation and I urge you to go along with the majority of the Members of the Legal Affairs Committee.

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

Senator PEARSON: Mr. President, men and women of the Senate. Just a quick question. What would be the date of the presidential primary?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and Members of the Senate. First of all I would like to point to your Senate Amendment Book in which S-329 is really the entire Bill. It is the amendment to the original bill and it is it in it's entirety with the new fiscal note. The way the bill is drafted, it would allow each and every major party to decide if it wanted to have a presidential primary and if only one party chooses to do so, it could choose any date it wanted. If there were more than one party they could agree on any date and if they could not agree, then it would be the same date as New Hampshire's or the first Tuesday in March, whichever would be earlier in the presidential election year. If New Hampshire chose to go so early that it had it's primary in the year prior to a presidential election year, then Maine would automatically go the first Tuesday in March. Obviously, the maximum amount of leeway is given to the individual parties and that was the intent of this Bill to allow the party participation by that meaning the State Committee of the party to make those determinations and to give them a real role in the presidential primary process.

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

Senator PEARSON: Mr. President, men and women of the Senate. I understand from that explanation. I believe that I have an understanding that there would not be a separate day for Republicans and a separate day for Democrats, costing that state more money to run two separate elections. I am giving a nod in the affirmative. Thank you.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. As you may recall last year I think I was perhaps the only member of my caucus who voted against legislation which would authorize the political parties in our state to opt for the primary format in selection of presidential nominees. As I came up to Augusta this morning I was wondering how I could perhaps best express to you the reasons for my concern and I came upon somewhat of an apocryphal vignette in baseball which I think might have some relevancy in this discussion. It seems that back in the 1930's there was a rather colorful baseball player who played for the Chicago Cubs by the name of Hank Wilson and I won't bore you with the details of Mr. Wilson's illustrious career. He had the pleasure to play under a manager, John J. MacGraw who was rather well known as an authoritarian figure and Mr. MacGraw took umbrage at Hank Wilson's tendency to stay up late, party and perhaps engage in excessive consumption of alcoholic beverages. Manager MacGraw decided that he would teach a lesson to Hank Wilson. What he did was he brought Wilson into his room and he poured one glass of whiskey and

one glass of water. What John MacGraw did was he put a worm in the shot of whiskey, whereupon the worm shriveled up and died immediately and then Mr. MacGraw put another worm in the glass of water and the worm swam around for a while. Very proud of himself he looked at MacGraw and said well there, what does that tell you. MacGraw, without a moments hesitation shot back, it teaches you that if you drink everyday you won't get worms. Now I raise that to show that sometimes things are not always as they appear to be in that what appears at first to be rather basic and direct, straight forward may have consequences not intended. I suggest to you that may well occur in this state if we were to adopt the presidential primary mode. We hear constantly in these halls that the political process has become too expensive and that the ever present and corrosive effect of money and presidential campaigns or all types of campaigns really strikes adversely at the heart of democratic values. It seems to me that if we have observed anything over the course of the last fifteen years with the flowering of primaries in our country, it is that voters have not actually had a clearer and more direct choice in terms of candidates with clear messages. but rather the candidates of both parties have promulgated, rather blurred messages in order to appeal to the broadest possible constituency. We have somewhat of an irony here. In the name of promoting egalitarian values, letting everyone take part in the presidential selection process, we really have an unintended consequence. What we have and this year I think is a good example, we have a litany of candidates. It is very difficult to discern how the candidates differ. I would suggest to you that most Democrats in this state do not have a clear perception of the differences between Dick Gephardt or Mike Dukakis, or the other candidates who are running. The same I suggest might be true in the Republican Party. I point this out because clearly the purpose of a primary or presidential selection by parties is much different than the choice that the public has in the fall when a presidential candidate is finally elected. The primaries have sort of a semi-fiduciary duty if you will to the polity at large to promote and nominate candidates who represent a clear, coherent and integrated political message. The voters then in the fall should consider the messages of the competing candidates of the parties and make a rational choice. What we have though in this age of media are candidates intentionally trying to diffuse their message so that they will attract the broadest possible array of support. That might result in short term success. The candidate may in fact win election and that is I suppose, in one sense, the goal. But it really doesn't promote democratic values because it promotes and encourages voter alienation. The public constantly expresses frustration that way the candidates are all alike. You can't trust them, whatever they are telling now won't mean anything in the fall.

It seems to me that we have sort of a conundrum today that if we take one small step for man kind and allow the parties at some point in the future to opt for presidential primaries, in the name of egalitarianism we might in fact create an unintended result of furthering the diffused messages candidates are giving today and beyond that will also enhance the world of money in politics in the State of Maine. I consider now that even at the state level it is getting too expensive for candidates to offer themselves for State Legislative Office. When we look at the federal offices, money becomes a primary value and a primary consideration and does effect the

way that our office holders adopt public positions. It seems to me that if we take this step today in opting for presidential primaries we will be promoting show over substance. The candidate who appears best on television and media will be the one who will secure the nomination of the Republican and Democratic Party and that may not be what we want to do. It seems to me that the parties have an obligation to identify clear, coherent principles and then select nominees who best embody those principles. It is for these reasons that I have concluded that the time is not right for opting for this presidential primary mode and I intend to join my colleague from the County of Cumberland, Senator Dillenback in voting against this legislation. Thank you.

Off Record Remarks

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

Senator COLLINS: Mr. President and Members of the Senate. The good Senator from Kennebec, Senator Kany has made me very aware that caucuses are fresh in our memory and in my particular case, they are very fresh. I have become acutely aware of what a small number of people can accomplish at a local caucus. I think that perhaps the time has indeed come when we ought to make some changes and it seems to me that the primary method offers us the best, most reasonable and most equitable opportunity. I am pleased today to support the position of the majority of the Committee in opting for that change. Thank you Mr. President.

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

Senator DILLENBACK: I would like to point out that the reason this Bill didn't go anywhere in the past is because the Secretary of State would have to raise at least \$110,000 for ballots. That is some consideration and perhaps four years from now it will be double that amount. Thank you.

Senator DILLENBACK of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KANY of Kennebec, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator KANY of Kennebec, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, please rise in their places and remain standing until counted.

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

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator KANY of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-329) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act Relating to the Weighing of Trucks"

S.P. 819 L.D. 2139

Reported that the same Ought to Pass.

Signed:

Senators:

DOW of Kennebec

THERIAULT of Aroostook
CAHILL of Sagadahoc

Representatives:

MACOMBER of South Portland
MCPHERSON of Eliot
POULIOT of Lewiston
SOUCY of Kittery
CALLAHAN of Mechanic Falls
MILLS of Bethel
SALSBURY of Bar Harbor

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

Signed:

Representatives:

STROUT of Corinth
MOHOLLAND of Princeton

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Clarify the Access of the Commissioner of Educational and Cultural Services to Employee Records for Certification of Educational Personnel"

H.P. 1809 L.D. 2475

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

House As Amended

Bill "An Act to Require Dealers in All-Terrain Vehicles to Provide Written Warranties"

H.P. 1517 L.D. 2070

(C "A" H-466)

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

ENACTORS

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

An Act Making an Amendment to the Charter of the Jackman Water District

S.P. 896 L.D. 2325

An Act to Encourage Conservation Investments by Electric Utilities

H.P. 1768 L.D. 2421

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

Emergency

An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws

S.P. 717 L.D. 1946

(C "A" S-322)

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

Emergency

An Act to Provide for the Establishment of a Nonlapsing Fund for the Maine Student Incentive Scholarship Program

S.P. 822 L.D. 2144

(C "A" S-321)

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

ORDERS OF THE DAY

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

Resolve, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush

H.P. 1794 L.D. 2458

Tabled - March 10, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 10, 1988, READ A SECOND TIME.)

(In House, March 7, 1988, PASSED TO BE ENGROSSED.)

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

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

Bill "An Act Providing Conformity with the United States Revenue Code Under the Maine Income Tax Law for 1987" (Emergency)

S.P. 868 L.D. 2263

Tabled - March 10, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 10, 1988, READ A SECOND TIME.)

On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-334) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Provide Flexible Rating for Property and Casualty Insurance"

S.P. 227 L.D. 621

Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities"

S.P. 373 L.D. 1110

Bill "An Act to Provide for the Electric Power Needs of the State while Phasing Out Nuclear Power Generation" (Emergency)

S.P. 471 L.D. 1431

Bill "An Act to Permit Regional Variations in Circuit Breaker Programs"

S.P. 772 L.D. 2029

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator DOW for the Committee on TRANSPORTATION on Bill "An Act to Prohibit the Display of Blue Lights on Vehicles Other than those Used by Authorized Law Enforcement Officers and Agencies"

S.P. 795 L.D. 2092

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-335).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-335) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator WEBSTER for the Committee on UTILITIES on Bill "An Act to Make Changes to the Public Utilities Law"

S.P. 745 L.D. 2004

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-333).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-333) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Monday, March 14, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
43rd Legislative Day
Monday, March 14, 1988

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Eveline Starbird, Calvary United Methodist Church, Lewiston.
Pledge of allegiance.
The Journal of Friday, March 11, 1988, was read and approved.
Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Provide Flexible Rating for Property and Casualty Insurance" (S.P. 227) (L.D. 621)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 373) (L.D. 1110)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Provide for the Electric Power Needs of the State while Phasing Out Nuclear Power Generation" (Emergency) (S.P. 471) (L.D. 1431)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Permit Regional Variations in Circuit Breaker Programs" (S.P. 772) (L.D. 2029)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass

Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act Providing Conformity with the United States Revenue Code Under the Maine Income Tax Law for 1987" (Emergency) (S.P. 868) (L.D. 2263)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-334).

Report was read and accepted, the Bill read once.

Senate Amendment "A" (S-334) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, March 15, 1988.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Increase the Appropriation to Municipal School Districts for the Inspection and Replacement of Unsafe School Buses" (H.P. 1835) (L.D. 2512) (Presented by Representative KILKELLY of Wiscasset) (Cosponsors: Senator DOW of Kennebec, Representatives NORTON of Winthrop and PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Human Resources