

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
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

House Amendment "A" (H-507) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Mayo of Thomaston, Adjourned until Tuesday, March 22, 1988, at nine o'clock in the morning.

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

In Senate Chamber,
Monday
March 21, 1988

Senate called to Order by the President.

Prayer by Pastor Evelyn Draper of the United Methodist Church in Woolwich.

PASTOR DRAPER: Oh God, in You we live and move and have our being. Therefore, as the psalmist tells us, there is no where we can wander away from Your presence, yet we ask that You will make Yourself known in a special way to all who enter this building and especially this room so that they may know beyond any doubt that You are here.

May all those who meet here on matters of state recognize that You, who are always more ready to give than we are to receive, are standing beside each one longing to guide them in all the decisions large or small which they must make. Open their ears that they may hear Your voice, their eyes that they may see You in all people and in all things and their hearts to Your love so freely given to all.

We ask this in Your name, Father, Son and Holy Spirit. Amen.

Reading of the Journal of Friday, March 18, 1988.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 18, 1988

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

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Create a Noneconomic Damages Award Act" (H.P. 217) (L.D. 269).

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

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Permit Exempt Railroad Crossings"
H.P. 1749 L.D. 2398

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:

LEGISLATIVE HISTORY - SENATE, MARCH 21, 1988

Bill "An Act to Establish a Packaging Tax to Minimize the Use of Nonbiodegradable Packaging Materials"

H.P. 1644 L.D. 2243

Bill "An Act to Create Tax Incentives for Employers who Utilize the Services of Sheltered Workshops"

H.P. 1699 L.D. 2332

Bill "An Act to Regulate Development Along Highways"

H.P. 1743 L.D. 2389

Ought to Pass

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Require Audit Review of the Bureau of Capitol Security in 1989"

H.P. 1811 L.D. 2479

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.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Revise the Laws Concerning Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings"

H.P. 1750 L.D. 2399

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.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Promote Solid Waste Research"

H.P. 1652 L.D. 2260

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-492).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-492) READ and ADOPTED, in concurrence.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Conform the Hospital Care Financing System to Certain Federal Requirements Concerning the Civilian Health and Medical Program of the Uniformed Services"

H.P. 1550 L.D. 2110

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-491).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-491) READ and ADOPTED, in concurrence.

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

The Committee on UTILITIES on Bill "An Act to Amend the Waldoboro Sewer District Charter"

H.P. 1713 L.D. 2352

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-493).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-493) READ and ADOPTED, in concurrence.

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

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

H.P. 1724 L.D. 2367

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-487).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-487) READ and ADOPTED, in concurrence.

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

Off Record Remarks

Ought to Pass in New Draft

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Continue State Benefits to Retired Teachers who have Joined a New Insurance Plan upon Retirement"

H.P. 1563 L.D. 2130

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

H.P. 1862 L.D. 2547

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on AGRICULTURE on Bill "An Act to Assist Agricultural Employers in Complying with Federal Hazard Communication Rules"

H.P. 1515 L.D. 2068

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

H.P. 1859 L.D. 2545

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.

LEGISLATIVE HISTORY - SENATE, MARCH 21, 1988

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

The Committee on LEGAL AFFAIRS on Bill "An Act to Clarify Reporting Requirements under the Campaign Finance Laws"

H.P. 1549 L.D. 2109

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

H.P. 1856 L.D. 2541

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.

Ought to Pass in New Draft under New Title

The Committee on EDUCATION on Bill "An Act to Provide for Identification and Application to Appropriate Accounts of School Reimbursement Funds"

H.P. 1452 L.D. 1963

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide for Identification and Application of School Bus Purchase Reimbursement Funds"

H.P. 1858 L.D. 2543

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Ensure Family Medical Leave in the State"

H.P. 1473 L.D. 1984

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

H.P. 1851 L.D. 2534

Signed:

Senators:

DUTREMBLE of York
ANDREWS of Cumberland
COLLINS of Aroostook

Representatives:

JOSEPH of Waterville
RUHLIN of Brewer
TAMMARO of Baileyville
MCHENRY of Madawaska
WILLEY of Hampden
BEGLEY of Waldoboro
HALE of Sanford
ZIRNKILTON of Mount Desert
RAND of Portland

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

Signed:

Representative:

HEPBURN of Skowhegan

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

Which Reports were READ.

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

The Bill in NEW DRAFT READ ONCE
The Bill IN NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide for Expedited Judicial Review of Municipal Action or Inaction"

S.P. 857 L.D. 2233

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 Create a Manufactured Housing Deed"

S.P. 843 L.D. 2187

Bill "An Act to Minimize the Environmental, Social and Physical Impact of Tourists on Monhegan Island"

S.P. 899 L.D. 2335

Ought to Pass

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities"

S.P. 907 L.D. 2362

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on AGRICULTURE on Resolve, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons

S.P. 933 L.D. 2453

Reported that the same Ought Not to Pass.

Signed:

Senator:

MATTHEWS of Kennebec

Representatives:

TARDY of Palmyra
PARENT of Benton

BRAGG of Sidney
SHERBURNE of Dexter
HUSSEY of Milo
PINES of Limestone
ALIBERTI of Lewiston
GLIDDEN of Houlton
MAHANY of Easton

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

Signed:

Senators:

TWITCHELL of Oxford
BLACK of Cumberland

Representative:

NUTTING of Leeds

Which Reports were READ.

On motion by Senator MATTHEWS of Kennebec, the Minority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on UTILITIES on Bill "An Act Establishing the Maine-Canada Energy Cooperation Act"

S.P. 256 L.D. 729

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Establishing Maine Energy Policy"

S.P. 962 L.D. 2553

Signed:

Senator:

KERRY of York

Representatives:

VOSE of Eastport

RICHARD of Madison

O'GARA of Westbrook

NICHOLSON of South Portland

WEBSTER of Cape Elizabeth

WILLEY of Hampden

WEYMOUTH of West Gardiner

TARDY of Palmyra

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

Signed:

Senators:

ERWIN of Oxford

WEBSTER of Franklin

Representatives:

HOLT of Bath

BAKER of Portland

Which Reports were READ.

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

SECOND READERS

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

Senate

Bill "An Act to Change the Definition of Wine Coolers" (Emergency)

S.P. 959 L.D. 2544

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Capture Sales Tax Revenues on Manufactured Housing Purchased Outside the State"

S.P. 888 L.D. 2300

(C "A" S-344)

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 Make Changes to the Public Utilities Law

S.P. 745 L.D. 2004

(C "A" S-333)

An Act to Amend the Uniform Commercial Code

H.P. 1504 L.D. 2054

(C "A" H-469)

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

(C "A" S-335)

An Act Relating to the Weighing of Trucks

S.P. 819 L.D. 2139

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

(H "A" H-479 to C "A"

H-470)

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

An Act to Provide for Retail Inspection of Potatoes

H.P. 1447 L.D. 1958

(C "A" H-477)

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

An Act to Provide for Child Care and Child Development Training for Student Parents

H.P. 1575 L.D. 2150

(C "A" H-474)

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

An Act to Provide Volunteer Literacy Services for Maine Citizens

S.P. 876 L.D. 2279

(C "A" S-330)

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

Resolve

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

H.P. 1794 L.D. 2458

(S "A" S-338)

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

Emergency

An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Year Ending June 30, 1989

S.P. 837 L.D. 2174

(C "A" S-331)

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

Emergency

An Act to Correct Liquor License Fees

H.P. 1649 L.D. 2257

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire

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

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Authority of Harbor Masters" (Emergency)

H.P. 1853 L.D. 2536
(H "A" H-489)

Tabled - March 18, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, March 18, 1988, READ A SECOND TIME.)

(In House, March 17, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-489).)

Which was PASSED TO BE ENGROSSED as Amended, in concurrence.

Senate at Ease

Senate called to order by the President.

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

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

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, RECESSED until 5:00 this evening.

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 Create a Single Point of Contact for the Operators of Commercial Vehicles"

S.P. 796 L.D. 2093
(C "A" S-332)

In Senate, March 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332) AS AMENDED BY HOUSE AMENDMENT "A" (H-498), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge"

H.P. 1669 L.D. 2287

In Senate, March 16, 1988, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-499) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1866 L.D. 2551

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.

COMMUNICATIONS

The Following Communication:

113TH MAINE LEGISLATURE

March 17, 1988

Honorable Joy J. O'Brien
Secretary

State House Station 3
Augusta, ME 04333

Dear Madam Secretary:

Pursuant to our authority under Chapter 56 of the Resolves of Maine, 1987, we have appointed Leila Batten to serve on the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute. She will replace Marion McCue, who has resigned. Please let us know if you have any questions about this appointment.

S/Charles P. Pray

S/John L. Martin

President of the Senate

Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning Camp Lot Leases and Access to Private Lands"

H.P. 1720 L.D. 2359

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 Outlaw Pit Bull Dogs in the State"

H.P. 1813 L.D. 2481

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Charitable Suppliers of Medical Equipment"

H.P. 1451 L.D. 1962

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-495).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-495) READ and ADOPTED, in concurrence.

LEGISLATIVE HISTORY - SENATE, MARCH 21, 1988

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered Aircraft Providing Commercial Air Service in Maine"

H.P. 1470 L.D. 1981

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-496).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-496) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions" (Emergency)

H.P. 167 L.D. 208

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Maine Business Corporation Act to Define the Liability of Directors and to Modernize Indemnification Provisions"

H.P. 1863 L.D. 2549

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Clarify the Experience Requirement for Licensed Dietitians" (Emergency)

S.P. 809 L.D. 2118

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-346).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-346) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Revise the Laws Concerning Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings"

H.P. 1750 L.D. 2399

Bill "An Act to Require Audit Review of the Bureau of Capitol Security in 1989"

H.P. 1811 L.D. 2479

Bill "An Act to Provide for Identification and

Application of School Bus Purchase Reimbursement Funds"

H.P. 1858 L.D. 2543

Bill "An Act to Assist Agricultural Employers in Complying with Federal Hazard Communication Rules"

H.P. 1859 L.D. 2545

Bill "An Act to Continue State Benefits to Retired Teachers who have Joined a New Insurance Plan upon Retirement"

H.P. 1862 L.D. 2547

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

Bill "An Act to Ensure Family Medical Leave in the State"

H.P. 1851 L.D. 2534

Which was READ A SECOND TIME

On motion by Senator COLLINS of Aroostook, Senate Amendment "A" (S-347) READ.

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

Senator COLLINS: Thank you Mr. President, men and women of the Senate. The amendment that I have proposed makes it clear that an exception to the law provides that at least twenty five persons, employees at one location would not be covered by the act. Thank you.

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. I would pose a question through the Chair to anyone who might care to respond. L.D. 2534 in its amended version having come from the Joint Standing Committee on Labor is my bill and I have only one question. Is the definition of location understood to be the State of Maine, or is it within a location in a municipality, or what? Perhaps I need some clarification. Thank you Mr. President.

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

The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President, men and women of the Senate. The amendment does refer to a location within the State of Maine. For example, if John Jones has an outlet in Presque Isle and has one in Caribou and he has ten people at one place and sixteen at another, before the amendment that situation would provide for that employer to be covered by the act. The amendment makes it so that because they are located in separate locations and are under the twenty five, they would not be covered. It does say in the bill, within the State of Maine.

On motion by Senator COLLINS of Aroostook, Senate Amendment "A" (S-347) ADOPTED.

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

Sent down for concurrence.

House As Amended

Bill "An Act to Conform the Hospital Care Financing System to Certain Federal Requirements Concerning the Civilian Health and Medical Program of the Uniformed Services"

H.P. 1550 L.D. 2110
(C "A" H-491)

Bill "An Act to Promote Solid Waste Research"

H.P. 1652 L.D. 2260
(C "A" H-492)

LEGISLATIVE HISTORY - SENATE, MARCH 21, 1988

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

Senate

Bill "An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities"

S.P. 907 L.D. 2362

Resolve, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons

S.P. 933 L.D. 2453

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

Sent down for concurrence.

ENACTORS

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

An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels

H.P. 1467 L.D. 1978

(H "B" H-483)

An Act to Eliminate the Requirement that the Deputy Adjutant General and the Director of the Military Bureau be the Same Individual

H.P. 1726 L.D. 2369

An Act Relating to Development Along the St. Croix River

S.P. 949 L.D. 2508

An Act to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure

H.P. 1839 L.D. 2517

An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants

H.P. 1841 L.D. 2519

An Act Relating to the Time Limit for Delivering the Warrant or Process by Which a Prisoner is Detained

H.P. 1847 L.D. 2529

An Act to Ensure the Safe Siting of Gravel Excavation

H.P. 1848 L.D. 2530

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

Senate at Ease

Senate called to order by the President.

An Act to Provide Greater Public Dissemination of Information Concerning Prohibition of Certain Land Usages

H.P. 1609 L.D. 2200

(C "A" H-480)

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

An Act to Establish a Presidential Primary in Maine

S.P. 123 L.D. 328

(H "A" H-484 to C "A" S-329)

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

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

Senator KANY: Thank you Mr. President and Members of the Senate. This is the Presidential Primary Bill that the Senate has overwhelmingly approved up to this point.

Senator KANY of Kennebec requested a Division.

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

A Division has been requested.

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

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

8 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Which was 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 Amend the Law Concerning Alternate Voting Procedures for School Budget Approval

H.P. 1840 L.D. 2518

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:

SENATE PAPERS

Bill "An Act to Authorize the Maine Self-Insurance Guaranty Association to Act as a Statistical Advisory Organization" (Emergency)

S.P. 964

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Representative RYDELL of Brunswick

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

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

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 Clarify the Rights of a Municipality Concerning Ordinances on Radon"

S.P. 934 L.D. 2454

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

LEGISLATIVE HISTORY - HOUSE, MARCH 22, 1988

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Reform the Pharmacy Laws"

S.P. 529 L.D. 1581

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

S.P. 963 L.D. 2555

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

On motion by Senator GILL of Cumberland, ADJOURNED until Tuesday, March 22, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
49th Legislative Day
Tuesday, March 22, 1988

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

Prayer by Reverend James Lufkin, First Baptist Church, Woodland.

The Journal of Monday, March 21, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Authorize the Maine Self-Insurance Guaranty Association to Act as a Statistical Advisory Organization" (Emergency) (S.P. 964) (L.D. 2556)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Clarify the Rights of a Municipality Concerning Ordinances on Radon" (S.P. 934) (L.D. 2454)

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

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on RESOLVE, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons (S.P. 933) (L.D. 2453)

Signed:

Senator: MATTHEWS of Kennebec
Representatives: TARDY of Palmyra
PARENT of Benton
BRAGG of Sidney
SHERBURNE of Dexter
HUSSEY of Milo
PINES of Limestone
ALIBERTI of Lewiston
GLIDDEN of Houlton
MAHANY of Easton

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senators: TWITCHELL of Oxford
BLACK of Cumberland
Representative: NUTTING of Leeds

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

Reports were read.

On motion of Representative Tardy of Palmyra, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Ensure Family Medical Leave in the State" (H.P. 1851) (L.D. 2534) which was passed to be engrossed in the House on March 18, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-347) in non-concurrence.

Representative McHenry of Madawaska moved that the House recede and concur.