

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

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

In Senate Chamber
Monday
March 28, 1988

Senate called to Order by the President.

Prayer by Father Marcel Dumoulin of St. Augustine's Catholic Church in Augusta.

FATHER DUMOULIN: Lord God we thank You for the beauty of this day. Help us remember Your strength and Your love when at times we feel abandoned or powerless. Let our powerless moments be turned into hope for new life and as all of nature breaks through at this time, may our energies also break through to bring renewed hope to all people, young and old. Amen.

Reading of the Journal of Friday, March 25, 1988.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations" (Emergency)

S.P. 790 L.D. 2078
(C "A" S-354)

In Senate, March 24, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354) AS AMENDED BY HOUSE AMENDMENT "A" (H-529), thereto in NON-CONCURRENCE.

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

House Papers

Bill "An Act to Freeze Further Increases in the Minimum Lobster Size"

H.P. 1881 L.D. 2573

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

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

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

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees Represented by the Maine Teachers Association" (Emergency)

H.P. 1777 L.D. 2430

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-525).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-525) READ and ADOPTED, in concurrence.

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations"

H.P. 1707 L.D. 2344

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-526).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-526) READ and ADOPTED, in concurrence.

The Bill as AMENDED LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Safety Hazards on Maine Lakes"

H.P. 1772 L.D. 2425

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-527).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-527) READ and ADOPTED, in concurrence.

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

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 Prohibit the Use of Airplanes or Aerial Surveillance in the Taking of Any Tuna"

S.P. 917 L.D. 2393

Ought to Pass As Amended

Senator ESTES for the Committee on LEGAL AFFAIRS on Bill "An Act Relating to Games of Chance" (Emergency)

S.P. 922 L.D. 2413

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-361) READ and ADOPTED.

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

SECOND READERS

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

House

LEGISLATIVE RECORD - SENATE, MARCH 28, 1988

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency)

H.P. 1796 L.D. 2460

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

House As Amended

Bill "An Act Concerning Charter Changes in Quasi-Municipal Corporations or Districts"

H.P. 1888 L.D. 2583

(H "A" H-524)

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

Senate

Bill "An Act to Enhance Enforcement of the Handicapped Parking Laws"

S.P. 974 L.D. 2587

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities"

S.P. 869 L.D. 2264

(C "A" S-359)

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 Clarify the Reporting Mechanism of the Student Assessment Program

H.P. 1692 L.D. 2321

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

(S "A" S-348)

Off Record Remarks

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

An Act to Provide Funds for the Seed Potato Breeding Program

H.P. 1605 L.D. 2196

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

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

H.P. 1862 L.D. 2547

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

Emergency

An Act to Clarify the Experience Requirement for Licensed Dietitians

S.P. 809 L.D. 2118

(C "A" S-346)

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 Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children

H.P. 1742 L.D. 2388

(C "A" H-500)

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

Emergency

An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings

H.P. 1760 L.D. 2409

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 Increase the Debt Limit for the South Berwick Sewer District

H.P. 1774 L.D. 2427

(C "A" H-501)

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 Develop a Plan to Minimize and Dispose of Household Hazardous Waste

H.P. 1850 L.D. 2532

(H "A" H-508)

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

Emergency

An Act to Change the Definition of Wine Coolers

S.P. 959 L.D. 2544

(H "A" H-513)

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.

HELD BILL

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

Senator CLARK: Thank you Mr. President. Is the Senate in possession of L.D. 2180?

THE PRESIDENT: The Chair would answer in the affirmative, the bill having been held.

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

Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years"

H.P. 1594 L.D. 2180
(C "A" H-510; H "A" H-519)

(In Senate, March 25, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AND HOUSE AMENDMENT "A" (H-519), in concurrence.)

On further motion by same Senator, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

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

Off Record Remarks

On motion by Senator THERIAULT of Aroostook, 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

SENATE REPORTS - from the Committee on TRANSPORTATION on Resolve, Establishing the Commission to Study Secondary Transportation Corridors in Maine

S.P. 816 L.D. 2136
(C "A" S-355)

Majority - Ought Not to Pass.
Minority - Ought to Pass as Amended by Committee Amendment "A" (S-355).

In Senate, March 25, 1988, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-355).

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator CAHILL of Sagadahoc, the Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter

Bill "An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible"

H.P. 1869 L.D. 2558

In Senate, March 23, 1988, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-533) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW
STATE HOUSE STATION 5
AUGUSTA, MAINE 04333

Honorable Charles P. Pray, Chair
Honorable John L. Martin, Vice-Chair
Legislative Council
113th Maine Legislature
Augusta, Maine

March 25, 1988

Dear Senator Charles P. Pray and Representative John L. Martin;

We are pleased to transmit the Committee's 1987 - 1988 report to you and members of the Legislative Council regarding the Maine Maritime Academy.

The Committee's report indicates that the Maine Maritime Academy continues to provide a unique contribution to Maine's post-secondary education system and further recognizes the able leadership of President Kenneth Curtis.

These recommendations will now be subject to Public Hearing. We urge the full Legislature to consider our proposals carefully and we invite questions, comments, and input regarding any part of this report.

Sincerely,

S/Beverly M. Bustin S/Neil Rolde
Senate Chair House Chair

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

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW
STATE HOUSE STATION 5
AUGUSTA, MAINE 04333

Honorable Charles P. Pray, Chair
Honorable John L. Martin, Vice-Chair
Legislative Council
113th Legislature
Augusta, Maine

Dear Senator Charles Pray and Representative John Martin;

Pursuant to 3 MRSA, Chapter 23, we are pleased to transmit the Committee's 1987 - 1988 report to you on: Board of Trustees of the University of Maine System;

State Government Internship Program Advisory Committee; and
Advisory Committee on Maine Public Broadcasting.

Throughout this report, the Committee has included recommendations and findings which it believes are constructive and keeping with the historical nature of the relationship between the University System and the Legislature. As determined by priorities gathered through a survey of current Legislators, the Committee has made recommendations which will improve accountability from the System to the Legislature, clarify the current budgetary process, reduce certain current borrowing expenses of the University System, improve the effectiveness of

certain System procedures and increase meaningful communication from the System about issues of significant importance to the Legislature. The Committee has also issued a number of findings, the purpose of which is to draw attention to, and describe, the Committee's perspective regarding a number of situations and issues that are associated with the University System.

These recommendations will now be subject to Public Hearing. We urge the full Legislature to consider our proposals carefully and we invite questions, comments and input regarding any part of this report.

Sincerely,

S/Beverly M. Bustin S/Neil Rolde
Senate Chair House Chair

Which was READ and with Accompanying Papers 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 Relating to Absenteeism of Community School Directors" (Emergency)
H.P. 1783 L.D. 2444

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:

Resolve, to Establish a Joint Select Committee and an Advisory Board on Long-Term Care Staffing Issues (Emergency)
H.P. 1637 L.D. 2236

Bill "An Act to Strengthen the Laws Concerning the Control of Communicable Diseases"
H.P. 1650 L.D. 2258

Bill "An Act to Clarify the Law Relating to AIDS"
H.P. 1651 L.D. 2259

Bill "An Act to Make Improvements to and Facilitate Prompt Enforcement of Environmental Laws"
H.P. 1732 L.D. 2375

Bill "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (Emergency)
H.P. 1810 L.D. 2478

Bill "An Act to Establish Procedures for the Testing and Control of AIDS"
H.P. 1815 L.D. 2483

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care"
H.P. 313 L.D. 412

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 TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Cosmetology Laws"
H.P. 1759 L.D. 2408

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 TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee"
H.P. 1706 L.D. 2343

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-532).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532).

Which Report was READ.

On motion by Senator USHER of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

The Committee on LEGAL AFFAIRS on Bill "An Act to Regulate the Hiring of School Bus Drivers"
H.P. 1812 L.D. 2480

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-534).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-534) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop"
H.P. 1624 L.D. 2219

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-530).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-530) 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 Encourage and Monitor the Use of New Potato Varieties"
H.P. 1595 L.D. 2181

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

H.P. 1893 L.D. 2586

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 BUSINESS LEGISLATION on Resolve,
to Increase the Supply of Reimbursable Mental Health
Professionals

H.P. 1453 L.D. 1964

Reported that the same Ought to Pass in New Draft
under New Title Resolve, to Study the Need to
Increase the Supply of Reimbursable Mental Health
Professionals

H.P. 1894 L.D. 2588

Comes from the House, with the Report READ and
ACCEPTED and the Resolve 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.

Divided Report

The Majority of the Committee on FISHERIES AND
WILDLIFE on Bill "An Act to Amend the Endangered
Species Act to Provide for Injunctive Relief and
Other Enforcement Remedies"

H.P. 1586 L.D. 2164

Reported that the same Ought to Pass in New Draft
under New Title Bill "An Act to Amend the Endangered
Species Act"

H.P. 1875 L.D. 2567

Signed:

Senators:

ERWIN of Oxford
USHER of Cumberland
BRAWN of Knox

Representatives:

ROTONDI of Athens
WALKER of Norway
DUFFY of Bangor
CLARK of Millinocket
JACQUES of Waterville

The Minority of the same Committee on the same
subject reported that the same Ought to Pass in New
Draft under New Title Bill "An Act to Amend the
Endangered Species Act"

H.P. 1876 L.D. 2568

Signed:

Representatives:

BROWN of Gorham
WEYMOUTH of West Gardiner
SMITH of Island Falls
FARREN of Cherryfield
GREENLAW of Standish

Comes from the House the Majority OUGHT TO PASS
IN NEW DRAFT UNDER NEW TITLE Report (H.P. 1875) (L.D.
2567) READ and ACCEPTED and the Bill in NEW DRAFT
under NEW TITLE PASSED TO BE ENGROSSED AS AMENDED BY
HOUSE AMENDMENT "A" (H-528).

Which Reports were READ.

On motion by Senator ERWIN of Oxford, the
Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE
Report (H.P. 1875) (L.D. 2567) was ACCEPTED, in
concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-528) READ and ADOPTED, in
concurrence.

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

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 Require the Department of Human
Services to Reimburse Nursing Homes for the
Reasonable Costs of Recruiting, Training and
Retaining Qualified Nursing Staff"

S.P. 127 L.D. 332

Bill "An Act to Contain the Cost of, and to
Assure the Availability and Quality of, Hospital Care
to the People of this State"

S.P. 330 L.D. 958

Resolve, to Fund Demonstration Projects for Day
Care Services in Health Care Facilities (Emergency)

S.P. 835 L.D. 2169

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND
NATURAL RESOURCES on Bill "An Act to Enhance Outdoor
Recreation Opportunities"

S.P. 889 L.D. 2301

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-363).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-363) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Divided Report

The Majority of the Committee on JUDICIARY on
Bill "An Act Amending the Workers' Compensation Laws
Exempting Design Professionals from General Civil
Liability for Injuries on Construction Projects"

S.P. 238 L.D. 657

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

Signed:

Senators:

BRANNIGAN of Cumberland
GAUVREAU of Androscoggin
BLACK of Cumberland

Representatives:

VOSE of Eastport
THISTLE of Dover-Foxcroft
HANLEY of Paris
COTE of Auburn
MACBRIDE of Presque Isle
BEGLEY of Waldoboro
PARADIS of Augusta
MARSANO of Belfast

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

Signed:

Representatives:

WARREN of Scarborough
CONLEY of Portland

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was
ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-362) 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 As Amended

Bill "An Act to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations"

H.P. 1707 L.D. 2344
(C "A" H-526)

Bill "An Act Concerning Safety Hazards on Maine Lakes"

H.P. 1772 L.D. 2425
(C "A" H-527)

Bill "An Act to Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees Represented by the Maine Teachers Association" (Emergency)

H.P. 1777 L.D. 2430
(C "A" H-525)

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

Senate As Amended

Bill "An Act Relating to Games of Chance" (Emergency)

S.P. 922 L.D. 2413
(C "A" S-361)

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 Establishing Maine Energy Policy
S.P. 962 L.D. 2553

Which was 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 Change the Sales Tax Status of Equipment, Fuel and Electricity Used in Snowmaking by Commercial Ski Areas

H.P. 1867 L.D. 2554

Comes from the House INDEFINITELY POSTPONED.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Change the Sales Tax Status of Equipment, Fuel and Electricity Used in Snowmaking by Commercial Ski Areas

H.P. 1867 L.D. 2554

Tabled - March 28, 1988, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 22, 1988, PASSED TO BE ENGROSSED.)

(In Senate, March 23, 1988, PASSED TO BE ENGROSSED, in concurrence.)

(In House, March 28, 1988, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

Senator CLARK of Cumberland moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers, in concurrence.

Senator TWITCHELL of Oxford requested a Division.

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

A Division has been requested.

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

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

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, in concurrence, FAILED.

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

Emergency

An Act to Amend the Law Allowing the Town of York to Repair Certain Private Roads

H.P. 1604 L.D. 2195
(C "A" H-512)

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 Determine the Extent and Impact of Unemployed Persons No Longer Eligible for Unemployment Insurance Upon the State of Maine

H.P. 1674 L.D. 2293
(C "A" H-511)

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

Emergency

An Act to Improve the Services Provided to the Members and Retirees of the Maine State Retirement System

H.P. 1763 L.D. 2416

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

Emergency

An Act Relating to Horse Racing and Racing Facilities

H.P. 1781 L.D. 2434

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

Emergency

An Act Relating to the Provisions of the Charter of the Veazie Sewer District

S.P. 951 L.D. 2516

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE

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

Emergency

An Act to Fund and Implement Collective Bargaining Agreements with Certain Maine Vocational-Technical Institute System Employees Represented by the Maine State Employees Association
H.P. 1845 L.D. 2527

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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 Relating to Employment of Minors
H.P. 1868 L.D. 2557

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Authorize a Transfer of Surplus Funds within the Franklin County Budget
H.P. 1755 L.D. 2404

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1988
H.P. 1878 L.D. 2569

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1988
H.P. 1879 L.D. 2570

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was

presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title Senator DUTREMBLE for the Committee on LABOR on Bill "An Act to Prohibit Substance Abuse Testing in the Workplace"

S.P. 73 L.D. 156

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants"

S.P. 975 L.D. 2589

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

ORDERS OF THE DAY

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

Bill "An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations" (Emergency)

S.P. 790 L.D. 2078

(C "A" S-354)

Tabled - March 28, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 24, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354).)

(In House, March 25, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354) AS AMENDED BY HOUSE AMENDMENT "A" (H-529), thereto in NON-CONCURRENCE.)

On motion by Senator TUTTLE of York, the Senate ADHERED in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years"

H.P. 1594 L.D. 2180

(C "A" H-510; H "A" H-519)

Tabled - March 28, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, March 28, 1988, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.)

(In Senate, March 25, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AND HOUSE AMENDMENT "A" (H-519), in concurrence.)

On motion by Senator TUTTLE of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-510) was ADOPTED, in concurrence.

On further motion by same Senator, Committee Amendment "A" (H-510) INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. We had two amendments, one Committee Amendment and one House Amendment, that actually did the same thing. So, it was in conflict and we had to defeat one amendment. Therefore, I defeated the Committee Amendment and we are all set.

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

On motion by Senator BALDACCI of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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 BALDACCI of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years"

H.P. 1594 L.D. 2180

(H "A" H-519)

Tabled - March 28, 1988, by Senator BALDACCI of Penobscot.

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

(In Senate, March 28, 1988, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence. RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-510).)

(In House, March 25, 1988 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AND HOUSE AMENDMENT "A" (H-519), in concurrence.)

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

Senator BALDACCI: Thank you Mr. President. A parliamentary inquiry? The matter before the Senate is Passage to be Enacted?

THE PRESIDENT: The Chair would answer in the negative, Passage to be Engrossed, as Amended in Non-Concurrence.

The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. I would hope that we would Pass this Bill to be Engrossed as Amended by the House Amendment. What happened is it slightly changed the Committee Amendment to make it just for supervisory auditors to be CPA's. It is something that needs to be done and hopefully next year we can come back and finish the work.

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

Sent down for concurrence.

On motion by Senator DOW of Kennebec, the Senate RECONSIDERED whereby it RECEDED and CONCURRED on:

Resolve, Establishing the Commission to Study Secondary Transportation Corridors in Maine

S.P. 816 L.D. 2136

(In Senate, March 25, 1988, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-355).)

(In House, March 28, 1988, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

The same Senator further moved the Senate ADHERE.

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

Senator WEBSTER: Thank you Mr. President. I would appreciate it if someone would explain to me what this Bill does.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. This is a Bill that we discussed a few days ago. It actually is a study that is taking care of Route 9 and some roads that go down to Searsport to see if in fact we are doing all the things that we should be doing to transportation.

Senator WEBSTER of Franklin moved to RECEDE and CONCUR.

THE PRESIDENT: The Chair would inform the Senator that the motion to Recede and Concur has been Reconsidered. Therefore, that motion is not proper at this time.

Senate at Ease

Senate called to order by the President.

Senator CAHILL of Sagadahoc moved to TABLE 1 Legislative Day, pending the motion of Senator DOW of Kennebec, to ADHERE.

Senator CLARK of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CAHILL of Sagadahoc, to TABLE 1 Legislative Day.

A Division has been requested.

Will all those Senators in favor of the motion of Senator CAHILL of Sagadahoc, to TABLE 1 Legislative Day, please rise in their places and remain standing until counted.

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

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator CAHILL of Sagadahoc, to TABLE 1 Legislative Day, FAILED.

Senator WEBSTER of Franklin moved to RECEDE and CONCUR.

THE PRESIDENT: The Chair would inform the Senate the the pending motion before the Senate is the motion by the Senator from Kennebec, Senator Dow, that the Senate Adhere. The Chair would state that the motion was made by the Senator from Kennebec, Senator Dow, when the motion to Table was made. The Tabling motion having failed, the pending motion before the Senate is the motion of the Senator from Kennebec, Senator Dow to Adhere.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, it is my understanding that the Chair rules my motion is out of order?

THE PRESIDENT: The Chair answers in the affirmative.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DOW of Kennebec, to ADHERE.

A Division has been requested.

Will all those Senators in favor of the motion of Senator DOW of Kennebec, to ADHERE, please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator DOW of Kennebec, to ADHERE in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

Off Record Remarks

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

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Tuesday, March 29, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
54th Legislative Day
Tuesday, March 29, 1988

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

Prayer by Reverend Kenneth Baily, First Parish Congregational Church, Yarmouth.

The Journal of Monday, March 28, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

(1-1) Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Require the Department of Human Services to Reimburse Nursing Homes for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff" (S.P. 127) (L.D. 332)

(1-2) Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Contain the Cost of, and to Assure the Availability and Quality of, Hospital Care to the People of this State" (S.P. 330) (L.D. 958)

(1-3) Report of the Committee on Human Resources reporting "Leave to Withdraw" on RESOLVE, to Fund Demonstration Projects for Day Care Services in Health Care Facilities (Emergency) (S.P. 835) (L.D. 2169)

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

Non-Concurrent Matter

(1-4) Bill "An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations" (Emergency) (S.P. 790) (L.D. 2078) which was passed to be engrossed as amended by Committee Amendment "A" (S-354) as amended by House Amendment "A" (H-529) thereto in the House on March 25, 1988.

Comes from the Senate with that Body having adhered to its previous action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-354) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

(1-5) Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years" (H.P. 1594) (L.D. 2180) which was passed to be engrossed as amended by Committee Amendment "A" (H-510) and House Amendment "A" (H-519) in the House on March 24, 1988.

Comes from the Senate passed to be engrossed as amended by House Amendment "A" (H-519) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

(1-6) RESOLVE, Establishing the Commission to Study Secondary Transportation Corridors in Maine (S.P. 816) (L.D. 2136) on which the Majority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on March 28, 1988.

Comes from the Senate with that Body having adhered to its previous action whereby the Minority "Ought to Pass" as amended Report of the Committee on