

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

ORDERED. the House concurring, that when the House and Senate adjourn, they do so until Monday, April 4, 1988, at 12 o'clock in the afternoon. Came from the Senate, read and passed. Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Carter of Winslow, Adjourned until Monday, April 4, 1988, at twelve o'clock noon pursuant to Joint Order S.P. 983.

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

In Senate Chamber
Thursday
March 31, 1988

Senate called to Order by the President.

Prayer by the Honorable Edwin Randall of Washington.

SENATOR RANDALL: Let us pray. As we are gathered this day under the shadow of the cross, sign of human shame and divine wisdom, like Jesus we would follow faithfully in His way. Like Jesus we would live to You and die to You, for we are Your people, we belong to You. We offer You our worship and our lives, may Your name be glorified this day as we are open to Your presence through Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Senator MAYBURY of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator MAYBURY: Thank you Mr. President. Mr. President, men and women of the Senate. I would like for you to take just a couple of moments this morning concerning the efforts of all of those volunteers throughout the State of Maine, who give of their time and energies in helping stamp out birth defects in children. Today, we are recognizing the 50th anniversary of the March of Dimes of Maine and I wanted to bring this to your attention. There are displays in the rotunda that if you have a moment to go through and look at some of the work that has been done and I hope that you will reflect upon anniversary for the March of Dimes that will continue through the whole year. Thank you.

Off Record Remarks

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 Regulate Development Along the Shoreland Zone and to Protect Lake Water Quality"
H.P. 1808 L.D. 2474

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 Allow Deductions for Merchantability Factors in Wood Measurement"
H.P. 1534 L.D. 2088

Bill "An Act to Compensate Municipalities for Land Used for Transmission Lines"
H.P. 1865 L.D. 2550

Ought to Pass

The Committee on EDUCATION on 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

LEGISLATIVE RECORD - SENATE, MARCH 31, 1988

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

H.P. 1627 L.D. 2222

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-558).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-558) READ and ADOPTED, in concurrence.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Reduce Special Education Costs to Local School Administrative Units"

H.P. 1607 L.D. 2198

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-560).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-560) READ and ADOPTED, in concurrence.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend the Harassment Law"

H.P. 1579 L.D. 2157

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-561).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-561) READ and ADOPTED, in concurrence.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Provide Protection from Molestation to Fixed Fishing Gear"

H.P. 1458 L.D. 1969

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-553).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS

AMENDED BY COMMITTEE AMENDMENT "A" (H-553) AS AMENDED BY HOUSE AMENDMENT "A" (H-562), thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-553) READ.

House Amendment "A" (H-562) to Committee Amendment "A" (H-553) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-553) as Amended by House Amendment "A" (H-562) thereto, ADOPTED, in concurrence.

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

Ought to Pass in New Draft

The Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Create the Economic Corridor Action Grant Program"

H.P. 1625 L.D. 2220

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

H.P. 1904 L.D. 2601

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.

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

Senator GILL of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator GILL: Thank you Mr. President and members of the Senate. Maressa McAllister is a third grade student at Red Banks School in South Portland. Maressa has already been to the State Capitol a week or so ago and she went through a series of picture taking and publicity shots representing the March of Dimes Association. I have to say that those of us who were with her that day were tired by the effort and Maressa just had so much energy that she kept on going and kept on smiling. I can't think of a better ambassador for the March of Dimes than Maressa. We are glad to have her here today. Thank you.

Off Record Remarks

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:

Resolve, to Allow Joel Batzell of West Farmington to Bring Civil Action Against the State of Maine
S.P. 957 L.D. 2540

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:

Resolve, Establishing the Commission to Study the Feasibility of Acquiring Coastal Property
S.P. 908 L.D. 2363

SECOND READERS

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

House

Bill "An Act to Amend the Maine Banking Code" (Emergency)

H.P. 1827 L.D. 2503

Bill "An Act to Restrict Smoking in Elementary and Secondary Schools"

H.P. 1901 L.D. 2597

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

House As Amended

Bill "An Act to Restore Driver Education Credit in Secondary Schools"

H.P. 1477 L.D. 2012

(C "A" H-549)

Bill "An Act to Clarify the Laws Relating to Atlantic Salmon Conservation"

H.P. 1567 L.D. 2134

(C "A" H-554)

Bill "An Act to Enhance and Clarify the Role of the State Board of Education"

H.P. 1756 L.D. 2405

(C "A" H-550)

Bill "An Act to Replace the Abandoned Property Law"

H.P. 1793 L.D. 2457

(C "A" H-551)

Bill "An Act to Provide a Mechanism for Insurance for Foster Care and Respite Care"

H.P. 1821 L.D. 2496

(C "A" H-552)

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

Bill "An Act to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife"

H.P. 1729 L.D. 2372

(C "A" H-548)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

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

S.P. 860 L.D. 2248

(C "A" S-373)

Bill "An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act"

S.P. 912 L.D. 2378

(C "A" S-372)

Bill "An Act to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses"

S.P. 940 L.D. 2484

(C "A" S-375)

Which were 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 Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations

H.P. 1707 L.D. 2344

(C "A" H-526)

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

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

H.P. 1869 L.D. 2558

(H "A" H-533)

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

Emergency

An Act Concerning Safety Hazards on Maine Lakes

H.P. 1772 L.D. 2425

(C "A" H-527)

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 Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees Represented by the Maine Teachers Association

H.P. 1777 L.D. 2430

(C "A" H-525)

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.

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

On motion by Senator BUSTIN of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

On motion by Senator THERIAULT of Aroostook, RECESSED until 5:00 this evening.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE
Non-concurrent 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)

In House, March 24, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AND HOUSE AMENDMENT "A" (H-519).

In Senate, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-519) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AND HOUSE AMENDMENT "A" (H-519) AS AMENDED BY HOUSE AMENDMENT "A" (H-559) thereto. in NON-CONCURRENCE.

On motion by Senator TUTTLE of York, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee"
H.P. 1706 L.D. 2343
(S "A" S-368)

In House, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532).

In Senate, March 29, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-368) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-566) in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

Pursuant to the Statutes

Committee on AUDIT AND PROGRAM REVIEW

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes, Title 3 Chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Departments, Agencies and Programs of State Government under the Maine Sunset Laws"

H.P. 1905 L.D. 2602

Be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW 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 AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ.

On motion by the Chair, Tabled until Later in Today's Session, pending ACCEPTANCE of the Report.

COMMITTEE REPORTS

House
Ought Not to Pass

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

Resolve, Authorizing the Sale of Certain Public Lands Located in the City of Bangor

H.P. 1891 L.D. 2584

Resolve, Authorizing the Sale of Certain Public Lands Located in the City of Augusta

H.P. 1892 L.D. 2585

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on LEGAL AFFAIRS on Resolve, Authorizing Kenneth and Janice Demuth to Bring Civil Action Against the State

S.P. 862 L.D. 2250

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-377).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-377) READ and ADOPTED.

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

Sent down for concurrence.

SECOND READERS

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

House

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

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

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

H.P. 1904 L.D. 2601

Which was READ A SECOND TIME.

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-385) READ and ADOPTED.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "A" (S-383) READ and ADOPTED.

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

Sent down for concurrence.

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

House As Amended

Bill "An Act to Provide Protection from Molestation to Fixed Fishing Gear"

H.P. 1458 L.D. 1969

(H "A" H-562 to C "A" H-553)

Bill "An Act to Amend the Harassment Law"

H.P. 1579 L.D. 2157

(C "A" H-561)

Bill "An Act to Reduce Special Education Costs to Local School Administrative Units"

H.P. 1607 L.D. 2198

(C "A" H-560)

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

H.P. 1627 L.D. 2222
(C "A" H-558)

Which were 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 to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop

H.P. 1624 L.D. 2219
(C "A" H-530)

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

S.P. 907 L.D. 2362
(H "B" H-537)

An Act to Revise the Solid Waste Law

H.P. 1725 L.D. 2368
(H "A" H-544)

An Act to Regulate the Hiring of School Bus Drivers

H.P. 1812 L.D. 2480
(C "A" H-534)

An Act Concerning High Speed Chases

H.P. 1864 L.D. 2552
(H "A" H-542)

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 Amend the Endangered Species Act

H.P. 1875 L.D. 2567
(H "A" H-528)

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

An Act to Encourage and Monitor the Use of New Potato Varieties

H.P. 1893 L.D. 2586

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

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

S.P. 974 L.D. 2587

Senate at Ease

Senate called to order by the President.

Senator PEARSON of Penobscot, moved to TABLE 1 Legislative Day, pending ENACTMENT. Subsequently, the same Senator requested and received Leave of the Senate to withdraw his motion.

The same Senator further moved to Table until Later in Today's Session, pending ENACTMENT.

Resolve

Resolve, to Study the Need to Increase the Supply of Reimbursable Mental Health Professionals

H.P. 1894 L.D. 2588

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

Emergency

An Act to Promote Solid Waste Research

H.P. 1652 L.D. 2260
(H "A" H-545 to C "A" H-492)

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

Emergency

An Act to Revise the Charter of the Brunswick Sewer District

H.P. 1837 L.D. 2514
(C "A" H-536)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Extend a Sunset Provision in the Civil Service Law" (Emergency)

S.P. 919 L.D. 2410

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

S.P. 980 L.D. 2605

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator KERRY for the Committee on HUMAN RESOURCES on Bill "An Act to Increase the Eligibility of Juveniles for Attendant Care"

S.P. 768 L.D. 2025

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-384).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-384) READ and ADOPTED.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator BLACK for the Committee on AGRICULTURE on Bill "An Act to Establish Operating Permits for Commercial Dairy Farms"

S.P. 971 L.D. 2579

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

Ought to Pass As Amended

Senator BLACK for the Committee on JUDICIARY on Bill "An Act to Protect Elderly, Infirm Persons from Improvident Transfer of Title to Property"

S.P. 848 L.D. 2204

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-386).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-386) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Insurance Guaranty Association Law"

S.P. 810 L.D. 2119

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

S.P. 981 L.D. 2609

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and PASSED TO BE ENGROSSED.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1909

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation be directed to report out to the House, a bill entitled "AN ACT Relating to 6-Axle Vehicles Carrying General Commodities" and a bill entitled "AN ACT to Clarify and Correct the Motor Vehicle Laws."

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

Off Record Remarks

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

SECOND READERS

Senate

Bill "An Act to Extend a Sunset Provision in the Civil Service Law" (Emergency)

S.P. 919 L.D. 2410

Bill "An Act to Increase the Eligibility of Juveniles for Attendant Care"

S.P. 768 L.D. 2025

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

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

ORDERS OF THE DAY

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

Bill "An Act to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife"

H.P. 1729 L.D. 2372

(C "A" H-548)

Tabled - March 31, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, March 31, 1988, READ A SECOND TIME.)

(In House, March 30, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548).)

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

Under suspension of the Rules, ordered sent forthwith to the Engraving Department.

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

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

H.P. 1707 L.D. 2344

(C "A" H-526)

Tabled - March 31, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, March 30, 1988, PASSED TO BE ENACTED.)

(In Senate, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526), in concurrence.)

Which was PASSED TO BE ENACTED.

(See Action Later Today)

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

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

H.P. 1869 L.D. 2558

(H "A" H-533)

Tabled - March 31, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, March 30, 1988, PASSED TO BE ENACTED.)

(In Senate, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-533), in concurrence.)

On motion by Senator ANDREWS of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, Senate Amendment "A" (S-388) READ and ADOPTED.

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

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

Senate at Ease

Senate called to order by the President.

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

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

H.P. 1707 L.D. 2344

(C "A" H-526)

(In Senate, March 31, 1988, PASSED TO BE ENACTED, in concurrence.)

(In House, March 30, 1988, PASSED TO BE ENACTED.)

On further motion by same Senator, Tabled 1 Legislative Day, pending ENACTMENT.

Off Record Remarks

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency)

H.P. 1907 L.D. 2604

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

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

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of Departments, Agencies and Programs of State Government under the Maine Sunset Laws"

H.P. 1905 L.D. 2602

Tabled - March 31, 1988, by the Chair.

Pending - ACCEPTANCE of the Report.

(In Senate, March 31, 1988, Report READ.)

(In House, March 31, 1988, the Report READ and ACCEPTED and the Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18.)

Which Report was ACCEPTED, in concurrence.

The Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act Relating to Horse Racing and Racing Facilities

H.P. 1781 L.D. 2434

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, March 28, 1988, PASSED TO BE ENACTED.)

(In Senate, March 24, 1988, PASSED TO BE ENGROSSED.)

On motion by Senator MATTHEWS of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-381) READ and ADOPTED.

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

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

Senate at Ease

Senate called to order by the President.

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

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

H.P. 1888 L.D. 2583

(H "A" H-524)

Tabled - March 30, 1988, by Senator KANY of Kennebec.

Pending - ENACTMENT

(In House, March 30, 1988, PASSED TO BE ENACTED.)

(In Senate, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-524), in concurrence.)

On motion by Senator CLARK of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, Senate Amendment "A" (S-387) READ and ADOPTED.

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

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

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

An Act to Improve the Regulation of Pesticides

H.P. 1557 L.D. 2121

(S "A" S-356 to C "A" H-516)

Tabled - March 30, 1988, by Senator TUTTLE of York.

Pending - ENACTMENT

(In House, March 30, 1988, PASSED TO BE ENACTED.)

(In Senate, March 24, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY SENATE AMENDMENT "A" (S-356), thereto.)

Which was PASSED TO BE ENACTED.

(See Action Later Today)

On motion by Senator MATTHEWS of Kennebec, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED:

An Act to Improve the Regulation of Pesticides

H.P. 1557 L.D. 2121

(S "A" S-356 to C "A" H-516)

(In Senate, March 31, 1988, PASSED TO BE ENACTED, in concurrence.)

(In House, March 30, 1988, PASSED TO BE ENACTED.)

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-516) as Amended by Senate Amendment "A" (S-356), thereto was ADOPTED.

On further motion by same Senator, Senate Amendment "C" (S-380) to Committee Amendment "A" (H-516) READ and ADOPTED.

On motion by Senator TUTTLE of York, Senate Amendment "B" (S-366) to Committee Amendment "A" (H-516) READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Would someone from the Agriculture Committee kindly enlighten the Senate on what is going on with these amendments please?

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

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. "An Act to Improve the Regulations of Pesticides," L.D. 2121. The amendment which we just adopted is a purely technical amendment. There were some problems in the drafting. That amendment does not change the substance of the provisions of the Bill. It is purely a technical amendment. The amendment clarifies that only ordinances that specifically effect pesticides are governed by the Maine Revised Statutes, Title 22, Section 1471-U, in the original Bill.

Senator MATTHEWS of Kennebec, moved the INDEFINITE POSTPONEMENT of Senate Amendment "B" (S-366) to Committee Amendment "A" (H-516).

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

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. I would hope that we would not indefinitely postpone Senate Amendment "B" (S-366). This is the final amendment, hopefully, in the pesticide issue this year. The purpose of my amendment is to enable a more equitable and lasting agreement between parties and to extend the time period from ninety to one hundred and eighty days to assure adequate time for fact finding and analysis in the negotiating process in the pesticide area. It is my hope that all sides will finally be happy and that the one a.m. Sunday night phone calls on this issue will be no more, at least this session.

Senator TUTTLE of York requested a Division.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. L.D. 2121, as many of you in this Chamber have gotten an experience of this evening, dealt with a very, very complicated topic. The regulation of pesticides. The Committee on Agriculture unanimously came out through a study of over a year and so laborious work in the Committee with a Bill which fairly regulates pesticides. A Bill that protects the interests of farmers in the fair application of pesticides through normal agricultural practices. A Bill that protects the interests of local municipalities through their local home rule and ordinance powers. Fairly deals with the issues raised by pesticide applicators and farmers, our utility committee that on occasion has to use pesticides and herbicides. Fairly dealt with the issue of DOT that needs to use herbicides and brush control methods. So, we painfully worked this issue for over almost a year. The good Senator from York, Senator Tuttle, has been a fourteenth member of the Agriculture Committee and another member from the other Body, which I can't mention, has also been a fifteenth member of the Agriculture Committee and have done their best in representing their

constituency. But, ladies and gentlemen of the Senate, this issue has been amended and amended and amended. We have at all times, members of the Agriculture Committee, involved the people from Lebanon, the utilities, the Audubon Society, the Natural Resources Council, farmers, citizens, everybody has participated in this process. The final version that we have today is a result of compromise. It deals with all the interests in a fair way. Not everybody got what they wanted. To try to change this Bill at this late juncture would be in the worst interest of the people of Lebanon and all concerned. So, I hope that you will support the Indefinite Postponement of Senate Amendment "B" (S-366). Thank you.

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

Senator BLACK: Thank you Mr. President. Mr. President, men and women of the Senate. I worked with Senator Twitchell and Senator Matthews on this Special Pesticides Committee all summer and the Bill which you have before you is the agreement that was reached as Senator Matthews, from Kennebec, has stated. I recommend that you follow him in the vote.

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

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. The hour is late but it is an important issue to me. I feel that unless this amendment passes, all the work and negotiations that have been done over the year with the municipality in Lebanon would have been done in vain. It is my understanding that Central Maine Power Company is waiting for this Bill to pass as is, so that they don't have to deal with the town of Lebanon in good faith. Essentially what this Bill does, if my amendment does not pass, it puts the burden of proof on the town and not on the utility. I would hope that we could pass this amendment and resolve this issue once and for all. As the good Senator from Kennebec, Senator Matthews, says, many Maine towns have been concerned with the state of our laws concerning applications of herbicides along our states roads and utility rights of ways, as well as in agricultural and other applications.

Since the First Regular Session of this Legislature, the parties most directly concerned with public policy in this area have been working, in my opinion, to develop solutions that were environmentally sensitive as well as fair and equitable to all concerned. That is why I offer this final amendment today in hoping to resolve this issue once and for all. The amendment that I offer outlines each parties obligation in the event a town chooses to manage vegetation by alternative to herbicides applications. If in the future it comes to pass, if there is inequitable allocation of costs or burdensome time limitations in any particular case I am confident that this Legislature will know how to remedy it and solve any inequity. I will be there along with you to make sure that does occur. But, again, I encourage you to vote in favor of this amendment.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I put on all of your desks and for members of the House a synopsis of this Bill and the issue of pesticides. I just want to read a little bit of it. "A study for the need of uniformity in pesticide regulation covered a broad range of pesticide related topics. The subcommittee and staff and full committee addressed the issues of state and local regulatory authority,

current Board of Pesticides Control staffing, budget, educational pesticide review and enforcement, the opportunity of public input in pesticide regulation. The current emphasis of regulation on agricultural pesticides and the level of assurance that federal agency regulation of pesticides provides. In brief, the Committee submitted the following legislation, L.D. 2121.

The study of the need of uniformity in pesticide regulation was initiated in part because of the concern among farmers and utilities that local regulation of pesticides would, was or could increase their costs and decrease their ability to compete for markets. Nineteen Maine communities have adopted pesticide related ordinances over the past twenty-five years. Recent decisions in the United States Court of Appeals for the fourth circuit and in the courts of other states bring the legality of these ordinances into question. Because of these cases, they do not directly apply to Maine and because the Congress is currently debating this issue as it considers reauthorization of pesticide laws, federal laws, the primary pesticide law, the Committee recommended leaving the issue of local regulatory authority to the Congress or to the courts. However, L.D. 2121 and its amendments that you supported, does provide municipalities with state level options to follow, rather than enacting their own ordinances. While providing a relieve to pesticide applicators who operate in more than one town." The good Senator from York, as I mentioned has worked very hard on this issue and I would remind my colleagues in this Body that the good Senator from York has already amended this Bill and that amendment was "A" S-356 to L.D. 2121. That amendment reads, offered by the good Senator, from York, Senator Tuttle, "Any agreement reached under this section must be negotiated in good faith, written and signed by all parties."

Ladies and gentlemen, it is time to get on and it is time to kick this Bill out. It is fair and it is in the best interest of all parties. Nothing we can pass in this Body and in Augusta will be totally acceptable to everybody, it is the fairest of all solutions.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "B" (S-366) to Committee Amendment "A" (H-516).

A Division has been requested.

Will all those Senators in favor of the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "B" (S-366) to Committee Amendment "A" (H-516), 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.

21 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "B" (S-366) to Committee Amendment "A" (H-516), PREVAILED.

Committee Amendment "A" (H-516) as Amended by Senate Amendments "C" (S-380) and Senate Amendment "A" (S-356) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Reform the Pharmacy Laws" (Emergency)

S.P. 963 L.D. 2555
(S "A" S-349)

Tabled - March 30, 1988, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In House March 29, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-349) AND HOUSE AMENDMENT "A" (H-546) in NON-CONCURRENCE.)

(In Senate, March 22, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-349).)

On motion by Senator BUSTIN of Kennebec, the Senate RECEDED.

House Amendment "A" (H-546) READ.

On further motion by same Senator, House Amendment "A" (H-546) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-378) READ.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. Just a brief explanation. The amendment removes an inappropriate reference to the licensing in Section 13721, Subsection 2. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-378) ADOPTED.

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

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Allow for Service Payments to Municipalities with Significant Amounts of State-Owned Property"

H.P. 1589 L.D. 2173

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

H.P. 1629 L.D. 2224

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 Authorize the City of Old Town to Acquire Land from the University of Maine to Construct a Solid Waste Disposal System" (Emergency)

H.P. 1502 L.D. 2052

Bill "An Act to Require Employers to Develop and Implement Day Care Plans"

H.P. 1807 L.D. 2473

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Increase the Indebtedness of Frye Island Municipal Corporation"

H.P. 1454 L.D. 1965

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Increase the Debt and Reserve Fund Limits and to Change the Annual Meeting Date of Frye Island Municipal Services Corporation" (Emergency)

H.P. 1908 L.D. 2606

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.

Under suspension of the Rules, the Bill NEW DRAFT under NEW TITLE READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Make the Exemption for Home Knitters from the Unemployment Insurance Tax Retroactive"

H.P. 1832 L.D. 2509

Reported that the same Ought Not to Pass.

Signed:

Senators:

- DUTREMBLE of York
- ANDREWS of Cumberland
- COLLINS of Aroostook

Representatives:

- MCHENRY of Madawaska
- HALE of Sanford
- ZIRNKILTON of Mount Desert
- WILLEY of Hampden
- RUHLIN of Brewer
- BEGLEY of Waldoboro
- HEPBURN of Skowhegan

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

Signed:

Representatives:

- RAND of Portland
- JOSEPH of Waterville
- TAMMARO of Baileyville

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

Which Reports were READ.

On motion by Senator DUTREMBLE of York, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Joint Select Committee on CORRECTIONS on Bill "An Act to Establish a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders"

H.P. 1597 L.D. 2183

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-565).

Signed:

Senators:

- BUSTIN of Kennebec
- MATTHEWS of Kennebec
- GILL of Cumberland

Representatives:

- KIMBALL of Buxton
- ANTHONY of South Portland

- TAYLOR of Camden
- MAYO of Thomaston
- GREENLAW of Standish
- BAKER of Portland
- MELENDY of Rockland
- THISTLE of Dover-Foxcroft
- STROUT of Windham

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

Signed:

Representative:

- MANNING of Portland

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-565) READ and ADOPTED, in concurrence.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator SEWALL of Lincoln, RECESSED until 7:15 this evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Enhance Enforcement of the Handicapped Parking Laws

S.P. 974 L.D. 2587

Tabled - March 31, 198, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 31, 1988, PASSED TO BE ENACTED.)

(In Senate, March 28, 1988, PASSED TO BE ENGROSSED.)

On motion by Senator BUSTIN of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-389) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Make Certain Statutory Changes to Facilitate District Court Judicial Administration"

H.P. 1555 L.D. 2115

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-567).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-567) 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 EDUCATION on Resolve, to Amend the Duties, Title and Reporting Date of the Special Commission to Study School-Entrance Age and Preschool Services (Emergency)

H.P. 1874 L.D. 2566

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-568).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-568) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act Relating to School Construction"

H.P. 1828 L.D. 2504

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-573).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-573).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-573) 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 Resolve, to Establish the Commission to Study the Management of Water Resources in Maine

H.P. 1822 L.D. 2497

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-574).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-574).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-574) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Extend the Uses of the Potato Marketing Improvement Fund"

H.P. 1745 L.D. 2391

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-569).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-569) 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 STATE AND LOCAL GOVERNMENT on Bill "An Act to Designate the Schooner Bowdoin as the Official State Vessel"

H.P. 1679 L.D. 2308

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-570).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-570) READ and ADOPTED, in concurrence.

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

(See Action Later Today)

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Facilitate the Collection and Organization of Data for Effective Use in State Government"

H.P. 1622 L.D. 2217

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-557).

Signed:

Senators:

ANDREWS of Cumberland

KANY of Kennebec

DILLENBACK of Cumberland

Representatives:

MELENDY of Rockland

CROWLEY of Stockton Springs

MAHANY of Easton

HICHBORN of LaGrange

CARROLL of Gray

BAILEY of Farmington

STEVENS of Bangor

PRIEST of Brunswick

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

Signed:

Representatives:

STANLEY of Cumberland Foreside
ARMSTRONG of Wilton

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY HOUSE AMENDMENT "A" (H-575), thereto.

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-557) READ and ADOPTED in NON-CONCURRENCE.

On motion by Senator ANDREWS of Cumberland, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-557).

House Amendment "A" (H-575) to Committee Amendment "A" (H-557) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-557) as Amended by House Amendment "A" (575) thereto, ADOPTED, in concurrence.

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

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

Resolve. to Establish the Commission to Study the Management of Water Resources in Maine

H.P. 1822 L.D. 2497
(C "A" (H-574))

Tabled - March 31, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED. in concurrence.

(In Senate, March 31, 1988, READ A SECOND TIME.)

(In House, March 31, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-574).)

On further motion by same Senator, the Bill was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls"

H.P. 1823 L.D. 2498

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Ought to Pass in New Draft

The Committee on BUSINESS LEGISLATION on Bill "An Act Concerning the Regulation of Welders"

H.P. 1520 L.D. 2073

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

H.P. 1910 L.D. 2607

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.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Enable the Creation of Watershed Districts"

S.P. 872 L.D. 2273

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

S.P. 982 L.D. 2610

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and PASSED TO BE ENGROSSED.

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

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

ORDERS

Joint Order

On motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 983

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 4, 1988, at 12 o'clock in the afternoon.

Which was READ and PASSED.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act Establishing the Maine Seed Capital Tax Credit Program"

H.P. 1730 L.D. 2373

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-564).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-564) 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 TAXATION on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency)

H.P. 1800 L.D. 2464

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-563).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-563) READ and ADOPTED, in concurrence.

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

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

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 Authorizing Counties to Choose Alternative Sources of Revenue"

H.P. 913 L.D. 1225

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 Increase Reimbursement Levels to Respite and Foster Care Providers"

H.P. 1569 L.D. 2140

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Protect Maine's Outstanding Rivers from Water Diversion Projects" (Emergency)

H.P. 1553 L.D. 2113

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-577).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-577).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-577) READ and ADOPTED, in concurrence.

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

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

ENACTORS

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

An Act to Amend the Cosmetology Laws

H.P. 1759 L.D. 2408

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Strengthen Boating Safety Enforcement"

H.P. 1463 L.D. 1974

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-571).

Signed:

Senators:

TUTTLE of York
ESTES of York
CAHILL of Sagadahoc

Representatives:

MITCHELL of Freeport
RICE of Stonington
HOLT of Bath
LOOK of Jonesboro
CROWLEY of Stockton Springs
KETOVER of Portland
COLES of Harpswell
RUHLIN of Brewer
SALSBURY of Bar Harbor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-572).

Signed:

Representative:

SCARPINO of St. George

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-571) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require Legislative Confirmation of Members of the Maine Human Rights Commission"

H.P. 1716 L.D. 2355

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning State Mandates to Local Governments"

H.P. 1536 L.D. 2090

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-578).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-578) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME.

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

Senator CLARK: Thank you Mr. President. I would pose a question through the Chair. Would someone please explain to me what L.D. 2090 as Amended from the Committee on State and Local Government purports to do?

Off Record Remarks

Senate at Ease

Senate called to order by the 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 York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. The Bill that the State and Local Government Committee reported out unanimously pertaining to providing those fiscal notes for local mandates and it was a unanimous report of the Committee. It is a very good Bill, it is going to be able to provide information for us before we vote on the Bill that effects how much money it costs localities and bills we pass in this Legislature. It is a very good Bill and for that reason I hope you will support it.

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

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

Bill "An Act to Designate the Schooner Bowdoin as the Official State Vessel"

H.P. 1679 L.D. 2308
(C "A" H-570)

(In Senate, March 31, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570), in concurrence.)

(In House, March 31, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570).)

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

Senator PEARSON: Thank you Mr. President. This is An "Act to Designate the Schooner Bowdoin as the Official State Vessel". Bowdoin, as the official state vessel of the state of Maine. Bowdoin. It seems to me that it ought to be the state of Maine vessel that goes out of Castine. This is even a private vessel, it not the Margaret Chase Smith, it is not the Edmund Muskie, it is not the state of Maine that goes out of Castine, it is Bowdoin. I suppose you can receive an adequate education at Bowdoin, but certainly not as good as you could receive at Maine, if you know what I mean, and so I kind of question whether or not we should be calling the official state vessel the Bowdoin.

It bothers me a little bit because I graduated from Maine and I don't think there is too many people in the Chamber that could have afforded to go to Bowdoin. So, consequently, I would like to pose a question to the sponsor of the Bill, as to why we would be calling the official state vessel Bowdoin.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. L.D. 2308, is a Bill that I was honored to cosponsor, along with three other members of this 113th Maine Legislature. The schooner Bowdoin has been designated by the Committee on State and Local Government, with the approval of this Legislature, as the official state vessel. The schooner Bowdoin is one of only a few historic vessels in Maine listed on the National Register of Historic places, but the only one of truly national significance. In 1987, the Maine Historic Preservation Commission felt so strongly about the historic value of the vessel that it received a fifteen thousand dollar state restoration grant. The Bowdoin, not the college, but the schooner Bowdoin, is the most tangible reminder of the active part Maine played in the exploration of the Arctic through her twenty-six voyages under the Command of Admiral Donald B. McMillan, who for the edification of the members of this august Body, was a graduate of Freeport High School and the college located in Brunswick, the oldest private institute in the state, the college name Bowdoin.

Where was it built? It was built in Boothbay Harbor, by a shipyard that endures today and that is currently building one of the most expansive, exciting new models of vessels ever to sail the oceans of the world. The schooner Bowdoin is still alive, it has been restored and is still serving the young people across the nation and across the world. It is a visible vestige of the proud Maritime history that all Mainers, regardless of their geographical location, can point to with a great deal of pride. I urge that this Maine Senate continue to express its approval and pass this measure once again to be Engrossed, eventually Enacted.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I am so very much pleased by the remarks of the Senator from Cumberland, Senator Clark. Finally, Bowdoin has been associated with something great.

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

Senator ESTES: Thank you Mr. President. I would like to pose a question through the Chair to the Senator from Penobscot. If he has such a difficult time saying the word Bowdoin, he might pronounce the Schooner's name as Bow-doin.

Which was PASSED TO BE ENGROSSED, as Amended, in 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 Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Modify the Law Regarding the Androscoggin County Budget Committee" (Emergency)
S.P. 828 L.D. 2154

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

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

S.P. 869 L.D. 2264
(C "A" S-359)

In Senate, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359).

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

On motion by Senator DOW of Kennebec, Tabled Unassigned, pending FURTHER CONSIDERATION.

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral

H.P. 1877 L.D. 2571
(H "A" H-521; S "A" S-360)

In Senate, March 25, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-521) AND SENATE AMENDMENT "A" (S-360), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-521) AND "B" (H-579) AND SENATE AMENDMENT "A" (S-360) in NON-CONCURRENCE.

On motion by Senator TUTTLE of York, the Senate RECEDED and CONCURRED.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act Concerning Access Fees"

S.P. 297 L.D. 847

Majority - Ought Not to Pass

Minority - Ought to Pass

Tabled - February 2, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT (In Senate, February 2, 1988, Reports READ.)

The Minority OUGHT TO PASS Report was ACCEPTED.

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

Sent down for concurrence.

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

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED until Monday, April 4, 1988, at 12:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
57th Legislative Day
Monday, April 4, 1988

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

Prayer by Reverend David Garnett, Open Door Bible Church, Lisbon.

National Anthem by Winthrop High School Band.

The Journal of Thursday, March 31, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Modify the Law Regarding the Androscoggin County Budget Committee" (Emergency) (S.P. 828) (L.D. 2154)

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

Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act to Enable the Creation of Watershed Districts" (S.P. 872) (L.D. 2273) reporting "Ought to Pass" in New Draft (S.P. 982) (L.D. 2610)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Concerning Access Fees" (S.P. 297) (L.D. 847)

Signed:

Senators:

SEWALL of Lincoln
TWITCHELL of Oxford

Representatives:

NADEAU of Saco
SEAVEY of Kennebunkport

CASHMAN of Old Town
SWAZEY of Bucksport

WHITCOMB of Waldo

DORE of Auburn

ZIRNKILTON of Mt. Desert

JACKSON of Harrison

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

Signed:

Senator:

DOW of Kennebec

Representatives:

DUFFY of Bangor

MAYO of Thomaston

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

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion and later today assigned.

Non-Concurrent Matter

An Act to Enhance Enforcement of the Handicapped Parking Laws (S.P. 974) (L.D. 2587) which was passed to be enacted in the House on March 31, 1988.