

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

Representative Cashman of Old Town was granted unanimous consent to address the House:

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Just to clarify Representative Soucy's remarks, those two bills that are on the calendar this morning add up to \$8.5 million. There is an additional \$20 million or thereabouts in the Governor's budget for education reform. I know the Education Committee is dealing with figures even in excess of that.

(Off Record Remarks)

On motion of Representative Swazey of Bucksport, Adjourned until Tuesday, April 12, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Monday
April 11, 1988

Senate called to Order by the President.

Prayer by Reverend Jeffrey Symynkywicz of the Universalist Church in Rockland.

REVEREND SYMYNKYWICZ: In the name of the spirit of life whom the people of the world call by many names all true, let us give thanks for every gift of life that brings joy, peace and strength of heart. Let us give thanks for every man or woman whose life speaks to us words of hope and affirmation. Let us give thanks for every experience that has expanded our knowledge of ourselves and of our world. Every experience that has quickened our imagination, enlarged our sympathy, taught us the true meanings of service and community. May we be part of the world's light and not of its darkness, part of its faith and not of its fear, part of its love and not of its enmity and maybe truly come to know in newer and deeper ways that all creation is united and that we are all sisters and brothers one to another. Amen.

Reading of the Journal of Yesterday.

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.

Off Record Remarks

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

Off Record Remarks

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

After Recess
Senate called to order by the President.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Clarify the Definition of Earnable Compensation"

H.P. 1826 L.D. 2502
(C "A" H-624; S "A"
S-420)

In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624).

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624) AND SENATE AMENDMENT "A" (S-420) in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

Senator BERUBE of Androscoggin moved to RECEDE.

On further motion by same Senator, Tabled 1 Legislative Day, pending the motion of same Senator to RECEDE.

SENATE PAPERS

Bill "An Act to Authorize Kennebec County to Raise Up to \$7,900,000 to Renovate and Expand Jail and Law Enforcement Facilities for Kennebec County"

S.P. 993 L.D. 2626

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative JOSEPH of Waterville, Representative HICKEY of Augusta, Senator MATTHEWS of Kennebec

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Under suspension of the Rules, the Bill READ ONCE, without reference to a Committee.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

COMMITTEE REPORTS

House

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 the Interest Earned on the Stripper Well Fund to be used by Nonprofit Groups for Emergency Conservation Projects"

H.P. 1443 L.D. 1954

Bill "An Act to Continue the Block Grants for Teacher Salaries"

H.P. 1508 L.D. 2058

Bill "An Act to Establish a University-Based Training Program for Substance Abuse Counseling and Employee Assistance"

H.P. 1641 L.D. 2240

Bill "An Act to Allocate Stripper Well Oil Refund Money to the Home Energy Assistance Program" (Emergency)

H.P. 1670 L.D. 2288

Bill "An Act Relating to the Justification of the Alcohol and Drug Abuse Planning Committee Under the Maine Sunset Laws" (Emergency)

H.P. 1870 L.D. 2561

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Regulate the Use of Oxen, Pony and Draft Horse Competitions" (Emergency)

H.P. 1565 L.D. 2132

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-642).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-642) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Linked Investment Program for Agricultural Loans" (Emergency)

H.P. 1718 L.D. 2357

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-646).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-646) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Require Licensure of Certain Railroad Personnel"

H.P. 1748 L.D. 2397

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-645).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-645) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court"

H.P. 1677 L.D. 2306

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-647).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-647) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate As Amended

Bill "An Act to Amend the Maine Tort Claims Act"

S.P. 932 L.D. 2443

(C "A" S-433)

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 Amend the Maine Juvenile Code to Expand Notice Provisions

H.P. 1486 L.D. 2020

(C "A" H-603)

An Act Providing for the 1988 Amendments to the Maine Housing Authorities Act

S.P. 841 L.D. 2186

(C "A" S-399)

An Act to Allow Disclosure of Confidential

Information Relevant to Personnel and Licensure Actions

S.P. 844 L.D. 2190
(C "A" S-392)
An Act to Amend the Farm and Open Space Tax Law
H.P. 1690 L.D. 2319
(C "A" H-593)
An Act Establishing a Medicare Assignment Program
S.P. 895 L.D. 2324
(C "A" S-393)
An Act to Require Service Stations to Post the Price of Fuel Sold

H.P. 1717 L.D. 2356
(C "A" H-594)

An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program

S.P. 909 L.D. 2364
(C "A" S-400)

(See Action Later Today)

An Act to Make Changes in the Administration of the Maine State Retirement System

H.P. 1764 L.D. 2417
(S "A" S-407 to C "A" H-592)

An Act to Amend Maine's Domestic Relations Laws

H.P. 1801 L.D. 2465
(C "A" H-601)

An Act to Clarify the Obligations of Distributors, Dealers and Redemption Centers

H.P. 1806 L.D. 2472
(C "A" H-605)

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

H.P. 1869 L.D. 2558
(S "A" S-388)

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 Concerning State Mandates to Local Governments

H.P. 1536 L.D. 2090
(H "A" H-613 to C "A" H-578)

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

An Act to Establish a Pilot Program for Transitional Services for Department of Mental Health and Mental Retardation Clients Between the Ages of 20 and 26

S.P. 794 L.D. 2091
(C "A" S-390)

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

An Act to Increase Funding of Elderly Legal Services

H.P. 1552 L.D. 2112
(C "A" H-581)

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

An Act to Amend the Principles of Reimbursement for Nonhealth Employees of Nursing Homes

S.P. 817 L.D. 2137

(C "A" S-391)

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

An Act to Amend Property Tax Exemptions

H.P. 1657 L.D. 2267
(C "A" H-586)

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

An Act to Protect Lake Water from Phosphorous Pollution

H.P. 1784 L.D. 2445
(C "A" H-580)

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

An Act to Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff

S.P. 935 L.D. 2455
(C "A" S-401)

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

Resolves

Resolve, Authorizing the Bureau of Health to Conduct a Time-Trend Study of Leukemia Incidence in Maine

H.P. 1769 L.D. 2422
(C "A" H-598)

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

Resolve, Establishing the Advisory Committee on Education and Critical Issues for Student Decision Making

H.P. 1776 L.D. 2429
(C "A" H-589)

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

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED, in concurrence:

An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program

S.P. 909 L.D. 2364
(C "A" S-400)

(In House, April 8, 1988, PASSED TO BE ENACTED.)

On further motion by same Senator, Tabled until Later in Today's Session, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

Emergency

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989

H.P. 1788 L.D. 2449
(C "A" H-584)

On motion by Senator DOW of Kennebec, placed on the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

Emergency

An Act to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law

S.P. 863 L.D. 2251

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

Emergency

An Act to Authorize the Maine Self-Insurance Guaranty Association to Act as a Statistical Advisory Organization

S.P. 964 L.D. 2556
(C "A" S-397)

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 Resolve

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law

H.P. 1814 L.D. 2482
(C "A" H-608)

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 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 Aroostook County for the Year 1988

H.P. 1917 L.D. 2617

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

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the Tabled and Later Today Assigned matter the following:

An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program

S.P. 909 L.D. 2364
(C "A" S-400)

Tabled - April 11, 1988, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, April 8, 1988, RECONSIDERED ENACTMENT.)

(In House, April 8, 1988, PASSED TO BE ENACTED.)

On motion by same Senator, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving the Mentally Retarded"

S.P. 834 L.D. 2168

Bill "An Act to Improve Personal Care Attendant Services under the Home-Based Care Laws"

S.P. 884 L.D. 2296

Ought to Pass

Senator EMERSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Create a Home-Based Treatment and Education Demonstration Program for Persons with Mental Illness and their Families" (Emergency)

S.P. 898 L.D. 2334

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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 Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency)

H.P. 1799 L.D. 2463

(S "B" S-417 to C "A" H-588)

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY SENATE AMENDMENT "B" (S-417) thereto, in NON-CONCURRENCE.

In House, April 7, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY SENATE AMENDMENT "B" (S-417) AND HOUSE AMENDMENT "D" (H-643) thereto, in NON-CONCURRENCE.

In Senate, April 8, 1988, INSISTED.

Comes from the House, that Body INSISTED and ASKED FOR COMMITTEE OF CONFERENCE.

On motion by Senator DOW of Kennebec, the Senate INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE.

The Secretary has so informed the Speaker of the House.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

.P. 1926

H

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill "AN ACT to Correct Additional Errors and Inconsistencies in the Laws of Maine."

Comes from the House READ and PASSED.
Which was READ and PASSED, in concurrence.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act to Improve Services for Maine's Elderly"

S.P. 943 L.D. 2490

Majority - Ought Not to Pass

Minority - Ought to Pass

Tabled - April 7, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, April 6, 1988, Reports READ.)

On motion by Senator TWITCHELL of Oxford, the Minority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

Bill "An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act"

H.P. 1687 L.D. 2316

Tabled - April 8, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-641), in concurrence

(In Senate, April 8, 1988, Committee Amendment "A" (H-641) READ.)

(In House, April 7, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641).

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-437) to Committee Amendment "A" (H-641) READ and ADOPTED.

Committee Amendment "A" (H-641) as Amended by Senate Amendment "A" (S-437) thereto, ADOPTED in NON-CONCURRENCE.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

Bill "An Act to Prohibit Automated Telephone Solicitation"

S.P. 900 L.D. 2336

(C "A" S-423)

Tabled - April 8, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO ENGROSSED AS AMENDED

(In Senate, April 8, 1988, READ A SECOND TIME.)

Senator BALDACCI of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I would hope that you would not vote for the Indefinite Postponement of this Bill. I believe that it is a good piece of legislation to do what we want to do in this state which is to require anyone who does direct mail solicitation to use a live operator and not use just a computer to contact us and to tie up our telephones. Therefore, I hope that you would

remember the debate of last week and vote as you did with me last week to pass this Bill.

Senator BRANNIGAN of Cumberland, requested a Division.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. To go over some of the points that may not have been adequately addressed when we first took up the issue was the fact that this Bill does not ban all telephone solicitation. If you read the committee amendment, it allows for certain exemptions one of which is to take out the prohibition for political campaigns. It takes out the prohibition against the state or local governments carrying on duties as they may see fit. Automated telephone services are still going to be going on in the state and the fact of the matter is there is a very, very small percentage within the state, small businesses that are going to be put out of business and those big, large companies that are offering these services interstate are still going to be allowed to do it because it is interstate commerce and it is not going to do anything to effect that. The important third point is that new services are coming with telecommunications. One of the things is going to be voice messages, voice mail, the computer gateways. A lot of these things are going to be utilizing the services of computer and automated services other than just voice communication on the telephone. I think that this kind of legislation sets a roadblock in the way of that kind of a telecommunications network. I hope you will support this amendment.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge you to support the pending motion. The main point and I won't debate this issue too long, is that currently the bulk of the calls are coming from outside of the State of Maine. It clearly is interstate commerce. The bill does not have any teeth in it to enforce anything that we pass. In fact what it boils down to, if this Bill passes, it is a piece of hollow legislation. I think we create enough legislation as it is that can be enacted and does have teeth in it on an annual or biannual basis without passing hollow legislation. Therefore, I would urge you to support the motion to Indefinitely Postpone.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. This is not hollow legislation, but if it was it would be something on which we could have a drum beat that is part of a much wider drum beat, sending out signals throughout the country that this kind of calling is not acceptable. It is not acceptable to the people who have unlisted phone numbers, it is not acceptable to the people who run these beeper and pager services. It is just not acceptable. The only way we are going to send that signal is state by state voting. If we want to wait until the Federal Government acts, we can wait and wait. Five states have passed this bill and several states will pass it this year. If we and others join in, it will be twenty states saying no. I think we should say no.

It was mentioned that new services will be coming into our state, new businesses that will be setting up to do direct marketing. I hope they do. We are looking for businesses that have jobs and this Bill would require that there at least be a live operator

involved and there should be in mass solicitation. We are looking for industry that is clean in this state and to be really clean in this business, you should subscribe to the direct marketing association rules and that is that you don't just cold call large numbers of direct, sequential dialing by a computer. I think that we can send the message that we want to send. We can do the job which is to pass this piece of legislation. If some of you were contacted over the weekend by people, remember that those people were small business people, they were not people trained in lobbying and I am sorry if they were not. They are small businesses in Aroostook, small businesses in Camden, small businesses that cover the Portland and Lewiston area and these people feel strongly about this. I hope you will vote against Indefinite Postponement. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I think the message that we ought to be sending from this Chamber today is one that we are not going to establish double standards, one for the political people, the political campaigns that would like to use one of these services for a reminder to vote for large blocks of people in their district. It is similar to our signs that we can put as people running for public office in places where businesses cannot put signs. I don't think we want that double standard here in another piece of legislation. I don't think that it is going to be impacting very favorably those people that are affected by this. I would hope that would be the message we would send here that if it is going to be done there shouldn't be any exemptions. Thank you Mr. President.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I hope you stand by your good strong vote the other day against the invasion of privacy. It truly is an invasion of privacy to have some machine call you up and give its message. It is not a persons message, it is a machines message. It is as if all the sudden you had some companies in the State of Maine decide that they were going to have robots going around and ringing your door bell and coming to sell you something. Really people, I hope that you will disregard perhaps some of the messages from those who serve here on the third floor with all of us and that you will stick by your excellent vote of the other day against an invasion of privacy.

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

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator BALDACCI of Penobscot, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, PREVAILED.

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

Senator BALDACCI: Thank you Mr. President, having voted on the prevailing side, I now move

reconsideration and I would urge you to vote against my motion.

Senator BALDACCI of Penobscot moved to RECONSIDER whereby the Bill and Accompanying Papers were INDEFINITELY POSTPONED.

A Viva Voce Vote being had, the motion of Senator BALDACCI of Penobscot, to RECONSIDER FAILED.

Sent down for concurrence.

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

Bill "An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds"

H.P. 1671 L.D. 2289
(C "A" H-585)

Tabled - April 8, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, April 5, 1988, READ A SECOND TIME.)

(In House, April 4, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585).)

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-585).

On further motion by same Senator, Senate Amendment "A" (S-436) to Committee Amendment "A" (H-585) READ and ADOPTED.

Committee Amendment "A" (H-585) as Amended by Senate Amendment "A" (S-436) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

Tabled - April 8, 1988, by Senator DOW of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-590), in concurrence

(In Senate, April 5, 1988, Committee Amendment "A" READ.)

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-590), in concurrence.

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

Tabled - April 11, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-590), in concurrence

(In Senate, April 5, 1988, Committee Amendment "A" READ.)

LEGISLATIVE RECORD - SENATE, APRIL 11, 1988

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)
Committee Amendment "A" (H-590) ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME.
On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-438) READ.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The amendment eliminates the question of whether the Federal Government has jurisdiction or not and retains the Interstate Commerce Commission as the jurisdiction on railroads. It allows for the requirement that a railroad that wants to receive financial assistance from the state including tax exemption, grants, subsidies, loans, cost reimbursement for maintenance of railroad crossings or payments from other sources must annually submit an application and receive approval from the Department of Transportation. It also provides that the Department will be informed of any proposed major modifications in rail service at the same time that the railroad files the request with the Interstate Commerce Commission and that the Department of Transportation review it and report to the Governor and the Legislature.

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. On section three of this amendment, page six, it calls for an appropriation from the General Fund to carry out the purposes of this act. It gives that money to the Department of Transportation. My question is why wouldn't it be the Transportation Department that would pay for this through the Department of Transportation funds?

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

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending the motion of same Senator to ADOPT SENATE AMENDMENT "B" (S-438).

Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

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

Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

Tabled - April 11, 1988, by Senator BALDACCI of Penobscot.

Pending - Motion of Senator BALDACCI of Penobscot, to ADOPT SENATE AMENDMENT "B" (S-438)

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending the motion of Senator BALDACCI of Penobscot, to ADOPT SENATE AMENDMENT "B" (S-438).

On motion by Senator DUTREMBLE of York, ADJOURNED until Tuesday, April 12, 1988, at 9:00 in the morning.

Off Record Remarks

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

Bill "An Act to Provide Regulatory Oversight of Over-the-Road and Over-the-Rail Transportation of Hazardous Materials and to Increase Revenue to the Maine Hazardous Waste Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund"

S.P. 955 L.D. 2533
(C "A" S-426)

Tabled - April 8, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, April 8, 1988, READ A SECOND TIME.)

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-426).

On further motion by same Senator, Senate Amendment "A" (S-435) to Committee Amendment "A" (S-426) READ and ADOPTED.

Committee Amendment "A" (S-426) as Amended by Senate Amendment "A" (S-435) thereto, ADOPTED.