

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

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(H.P. 1737) (L.D. 2382) Bill "An Act Concerning Shoreline Alteration of Artificially Created Great Ponds" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-666)

(H.P. 1510) (L.D. 2060) Bill "An Act to Limit Rent Increases in Mobile Home Parks" (Emergency) Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-668)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

ORDERS

On motion of Representative PARADIS of Augusta, the following Order:

ORDERED, that the Clerk of the House be authorized to furnish 100 25 cent stamps for each member of the House.

Was read and passed.

Bill Held

An Act to Abolish the Office of Complaint Justice and Replace it with the Office of Justice of the Peace (Emergency) (H.P. 1791) (L.D. 2452) (C. "A" H-600)

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby L.D. 2452 was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 2452 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-676) and moved its adoption.

House Amendment "A" (H-676) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-600) and House Amendment "A" (H-676) thereto in non-concurrence and sent up for concurrence.

On motion of Representative Jacques of Waterville, Adjourned until Wednesday, April 13, 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
Tuesday
April 12, 1988

Senate called to Order by the President.

Prayer by Reverend Arthur St. Pierre of the Immaculate Heart of Mary Catholic Church in Fairfield.

REVEREND ST. PIERRE: Let us pray. Heavenly Father we ask you to bless our nation and our state and especially our senators that they work for the good of the State of Maine. As they deliberate on the needs of the people of our state, fill them with wisdom that they may see that which is right and the courage to champion the things that are right. Help us always to be grateful for the beauty of our state and to protect that beauty with all our strength. Grant that under Your providence our state will always receive Your blessing and protection. This we ask in Jesus name. 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.

On motion by Senator GILL of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162
(C "A" H-595)

In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Establish On-Site Day Care at the Capitol Complex"

H.P. 1678 L.D. 2307
(S "A" S-425 and S "B" S-427 to C "A" H-625)

In House, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).

In Senate, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625) AS

AMENDED BY SENATE AMENDMENTS "A" (S-425) AND "B" (S-427) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625) AS AMENDED BY SENATE AMENDMENT "A" (S-425) thereto, in NON-CONCURRENCE.

Senator BALDACCI of Penobscot moved to RECEDE and CONCUR.

THE PRESIDENT: The Chair recognizes the Senator from Waldo. Senator Gould.

Senator GOULD: Thank you Mr. President. Mr. President, men and women of the Senate. I hope that we will defeat the motion to Recede and Concur. In committee we decided that legislators should not be included as employees of the state and if they were to be included, in my opinion, it should be included under the benefit package or the bill that includes the salary increases and not as a side benefit. Thank you Mr. President.

Senator GOULD of Waldo 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. The reason that it should not be included under that is the fact that the health insurance and other coverages that are normally attributed to state employees, legislators are also covered for that. The fact of the matter is that we should not be discouraging anybody from running for the Legislature that may have children, but because of having to take care of children they would be unable to serve. I think it would be kind of discriminatory against those people not to at least have the ability and to ban that type of coverage for them. I would hope that we would go along with the pending motion.

On motion by Senator GOULD of Waldo, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question through the Chair to a member of the committee. I would like to know whether a public hearing was held on this issue, specifically on the issue of giving legislators the right to have day care services provided. It seems to me that there would not be tremendous public support for that position. I would like to know when this issue was discussed, if the context of the issue dealt with state employees or the context of the issue dealt with allowing benefits for members of the Legislature dealing with day care.

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

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

Senator BALDACCI: Thank you Mr. President, members of the Senate. It is pretty popular to bash legislators or the Legislature and it seems that may play well back home to some people and some constituencies. The fact of the matter is that the bill dealt with state employees and having a day care facility for state employees. Members of the Legislature are state employees, their health benefit package that is for state employees is also for Members of the Legislature and the fact of the matter is that it is not a legislators day care center bill, it is a state employees day care center bill. The committee in its first report rather than try to jeopardize that, it passed it without that. It is a simple bill of a state employee having day care

facilities and not excluding any state employee just because they happen to sit in the Legislature and frankly I think it is kind of discriminatory because of people who do have children who may want to serve in the Legislature and not being able to do that. I don't think in the State of Maine as far as we have progressed, as far as our membership in the Senate and the Legislature as a whole, that we want to go backwards. I think that we would be going backwards if we eliminated that provision from the bill. Thank you Mr. President.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I can't believe what I am hearing here today. It seems as though the Legislature, the Senate and others are becoming a welfare program. We have all the benefits that seem to be coming out. We have a dental program, we have a retirement program, we have a health program, we have a major medical program and now we are going to have day care program. I don't believe my constituents would be very much in favor of the Legislature having a day care program. Thank you.

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 don't see any difference between a legislator having day care slots available to them, than a state employee having slots available to them. We have state retirement, state employees have state retirement. That is not a welfare program. We have state dental program because it is the same as state employees having a dental program. We have medical insurance through the state just as state employees do. That is not a welfare program. To characterize those things as a welfare program, I think, is an extreme form of exaggeration. It is the same thing that everybody else has. We are not asking for any more. We are not asking for any less. Legislators aren't any more and they certainly aren't any less. If the amount of reimbursement for miles that you drive on the road as a state employee goes up, ours goes up. It doesn't go up any more, it doesn't go up any less and it shouldn't. Obviously, I have no children and as a matter of fact, I know of nobody in the Senate who is interested in availing themselves of day care. That is not the point. The point is what is fair is fair. It is not a welfare program.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I believe the good Senator from Kennebec, Senator Matthews, and I are the only members of this Senate who have children young enough to be in day care. I am one of the few who have a five year old and I know as well as anybody else does how difficult it is to find day care. Last night we had the opportunity to honor one of our colleagues, the good Senator from Lincoln, Senator Sewall, at a reception and unfortunately my wife was unable to attend because we were not able to find someone to watch our child. So I know all about the problems associated with that. This is an interesting issue because this is the kind of issue that upsets the people of Maine, particularly the constituents that we represent. It is my opinion that it is a back door approach to passing a law. There was no public hearing held. If we had a bill before the Legislature, an act to allow day care for state legislators, it wouldn't have even gotten out of committee. I don't think there is any support

among the constituents in our districts to give legislators an additional benefit in this area. I would like to pose a question to members of the committee. If we are to continue to keep this provision in this bill before us, how many state employees are going to be displaced? I would also like to know whether legislators are going to have preferential treatment. Anyone who says that we aren't, I am going to have a hard time believing that knowing the political process and how it works. If we are going to allow legislators and I guess when I ran for the legislature I knew what the advantages and disadvantages were of becoming a legislator and I guess I would know whether I was willing to make the sacrifices that were needed. I would like to know how many state employees are going to be displaced if we have legislators who obviously are going to get preferential treatment. Most of us are not living and dying on what we make here in the Maine Legislature. It seems to me that most of the people who are state employees, what I consider state employees, are actually here to make a living. I would hope that none of these people would have their children displaced so that some legislator who decided to use the system was taking up space that could be occupied by truly state employees.

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. There is so much area to cover with this Bill that I will try to begin very quickly. First of all there was a public hearing on the legislation. I would appreciate it if members of this Body that criticize legislative committees would at least check the facts to make sure first. There was a public hearing on this legislation. The second point is that it refers to a socialistic state. I am amazed from the good Senator from Cumberland, Senator Dillenback, who quickly forgets this aspire program that is supposed to cover day care costs and health insurance costs and where the proposal is coming from. I am also surprised in a tight labor market that we talk about child care and having businesses get together in providing it and getting tax exemption or tax breaks from the government to provide those services because we need those people in the workplace. This is not something that is going to create a socialistic state. It is something that is going to meet a present demand that we have in the marketplace. Not defending Senator Kerry from York, or Senator Randall who is from Washington, but I assume they have children who would also be available for child care services, not just the good Senator from Franklin, Senator Webster, or the Senator from Kennebec, Senator Matthews. I would hope that we would be realistic in giving state employees, all state employees a day care facility availability. That is all it is.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I didn't mention socialism, but I see that you are getting very close to the point. I will say this. I am all in favor of helping the state employees. I am in favor of helping everybody that needs day care. It is one of the most essential things we need in this state for the working people. But I draw a line when it comes to the legislators. Thank you.

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. Since my name has come up as one of the two that has been

using day care for my two children, I feel compelled to get up and especially after the statements by the good Senator from Franklin, Senator Webster, and the Senator from Cumberland, Senator Dillenback. This Legislature is called a citizen legislature and as I look up in the balcony at some young children watching the Maine Senate in action, I apologize to those young children for the statements that have been made on this floor. Because this is a citizen legislature and day care has been an issue articulated by the Governor, John R. McKernan, as a major issue for the people of Maine, a major issue not a partisan one. But I hear as the good Senator from Hancock, Senator Perkins, said the rights of spring. Sounds like the rights of spring part two today on the floor of the Senate and a snow job and a snow storm of massive proportion is being waged on the floor. I will vote for this Bill today and stand proudly. My two children go to a day care center and they will probably go to that same day care with or without this Bill. But ladies and gentlemen this is a citizen Legislature and no one should be denied the right to run for the Maine Senate or the Maine House of Representatives. I am appalled by the statements that have been made on this floor - absolutely appalled. I don't think they serve to better the debate at all. Pure partisan rhetoric.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. First of all I would like to indicate my sincere apologies to the good Senator from Washington, Senator Randall, and the other members of this Body who could partake of this benefit. I find this an interesting issue. The Good Senator from Penobscot, Senator Baldacci, has indicated that there was a public hearing. Let me read you what the bill says, "An Act to Establish On Site Day Care at the Capitol Complex." I am sure the public is not aware of this back door attempt to help legislators. Over the years I have seen bills before the Legislature to allow free use of state parks to members of the Legislature, to allow free use of the turnpike to state legislators and to see other issues debated before the Maine House and the Maine Senate to benefit legislators. On every occasion I might add those bills were defeated. There was no public hearing held specifically on the issue of giving legislators benefits. If the Legislature needs this kind of benefit, it ought to be reviewed by the Compensation Commission and it ought to be debated on its merit and not attached to another bill as we are doing here today. I feel that this is not a partisan issue.

It is a common sense issue. I applaud the good Senator from Kennebec, Senator Matthews, for apologizing for me and for apologizing to the Senate and I hope he continues to do so in the weeks ahead.

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. I wasn't going to get up and speak on this Bill because I was amused by the fact that we had only had the male section of the Senate speaking on the Bill and I thought that was very, very good indeed. Then I began opening my mail and I had a packet from a Barbara Collier who is with the Department of Human Services in child care and this whole packet is on child care. It is very interesting, because I have been an advocate for child care throughout my tenure in this Legislature. I would like to read to you a couple of little epistles that she sent me and they are just an outline of what is being done. "One

Hundred and Thirteenth Legislative Child Care Initiative enacted in June of 1987." What the legislation will provide "two hundred and fifty thousand dollars per year for 1987-1988 and 1988-1989, to develop such regional child care resource development centers that will determine regional child care needs, recruit and maintain providers and make referrals, work with public and private employers on the development of more child care facilities, encourage cooperation among municipalities, schools, community organizations, health services and employers." I can go on and on, but there is a whole list here and I am sure we can copy it and send it to you. Then she sent me another list which is a gubernatorial program on child care initiatives "expanded resources for child care. Item number one. New child care slots - one hundred and seventy nine additional contracted state subsidized slots, six hundred and fifty-one thousand dollars. Three hundred and ninety-four child care voucher slots for state subsidized care, one million, forty-one thousand five hundred and five dollars. Improving existing child care system. Additional training for all child care providers, seventy five thousand dollars. Ten percent salary increases for contracted providers, five hundred thousand dollars. New child care program development" and listen carefully, "additional staff for resource development centers located in job opportunity zones, thirty thousand dollars. On site child care for state employees in Bangor and Augusta, two hundred and seventy eight thousand dollars."

I think that is is well intended, it is a good direction for us to go in this state. Obviously, the Legislature previously and the Legislature now wants to provide that care. All we are talking about incredibly so is whether you afford child care facilities to legislators who we know get some of the lowest pay for the number of hours that we put in of anyone. If I tried to figure my hourly wage it would not come to minimum of what I devote to the State of Maine through my legislative duties. It would not come to minimum wage. Yet you are saying to me that I can't avail myself if I were younger of a child care slot for my child. That is incredible. The other incredible thing to me is that the catchment area, if you will excuse the word, for the legislators who would avail themselves of the opportunity to use one of those child care slots is very minimal, very minimal indeed. I suspect that of the legislators sitting in this Body and the other Body, there would be very, very few who could avail themselves of those slots because they live in other areas. They have their child care in other areas. They don't have it here in the State House Complex. The incredible thing is that we are taking this much legislative time to discuss an issue that doesn't make any sense to discuss because legislators should be included in the bill. I was happy to exclude them because I voted that way in the Senate, but the other Body obviously feels differently. I think we ought to go along with them. Thank you.

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

Senator ESTES: Thank you Mr. President. Mr. President. men and women of the Senate. I would just like to comment to ladies and gentlemen of the Senate this morning to perhaps clear up some irrational presumptions as to this Bill. In looking at the original bill and the committee amendment, the bill establishes a program in Augusta that would serve perhaps as a model program. There are eligibility requirements. They are talking about a program that

will initially enroll sixty children and would be open during normal work hours from 6:45 until 5:30 p.m. There would be eligibility requirements that individuals would have to meet as state employees who would qualify under this program. There would be a sliding scale of fees for the program based on gross family income. It is not a state hand out, they are expecting to raise fees and to cover costs and they are to be reporting out any deficits. This is to be analyzed on a yearly basis. There is also going to be a preference system for lower income employees. As you look through the committee amendment to the bill, there is also a feasibility study that takes a look into the potential of other child care facilities and programs not only in Augusta, but for state employees in other portions of the state. I think it is a very clear-cut and very well-designed program to get child care off the ground even more than it has to date. The only reference to legislators as state employees was the amendment that we passed exempting them. The presumption in the bill is that any state employee who meets the eligibility requirements would be allowed to participate in such a program. I hope that answers some of the confusion that has been going on this morning. Thank you.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. Just a point of clarification. The bill also would allow not just legislators, but also the Governor if he has children that would like to be included in child care, the Attorney General, the Secretary of State, the State Treasurer. It is not just legislators, it is all state employees.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCII of Penobscot, to RECEDE and CONCUR. A Roll Call has been ordered.

A vote of Yes will be in favor of the motion to RECEDE and CONCUR.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCII, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, MATTHEWS, PEARSON, RANDALL, THERIAULT, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, ERWIN, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators KERRY, TUTTLE

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 2 Senators being absent, the motion by Senator BALDACCII of Penobscot, to RECEDE and CONCUR, PREVAILED.

Non-concurrent Matter

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons"

H.P. 1797 L.D. 2461

(S "A" S-414 and S

"B" S-422 to C "A"

H-596)

In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596).

In Senate, April 7, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596) AS AMENDED BY SENATE AMENDMENTS "A" (S-414) AND "B" (S-422) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596) AS AMENDED BY SENATE AMENDMENT "B" (S-422) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Joint Resolution

The Following Joint Resolution: H.P. 1925
JOINT RESOLUTION MEMORIALIZING CONGRESS TO RELEASE
FEDERAL HIGHWAY TRUST FUNDS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the 101st Congress of the United States, as follows:

WHEREAS, the Federal Government imposes a tax of 9 cents per gallon on motor fuel which is deposited in the Federal Highway Trust Fund; and

WHEREAS, that trust fund by law may only be used for specified purposes, primarily the construction and maintenance of federal-aid highways and urban mass transit; and

WHEREAS, the states, including Maine, rely upon funds from that trust fund to pay a fair share of the cost of maintenance and necessary improvements to federal-aid highways, highways that are an essential part of the infrastructure on which the people and businesses of the State depend; and

WHEREAS, the Federal-Aid Highway Act covering fiscal years 1988-1992 cut back authorizations from that fund, and Maine's share dropped significantly from \$142,000,000 for fiscal year 1987 to \$119,000,000 for fiscal year 1988; and

WHEREAS, Maine had planned a highway budget of \$167,000,000 for state fiscal year 1988-89, including the \$119,000,000 of federal funds, matched by State and local funds; and

WHEREAS, later federal action in the Continuing Appropriation Act of 1988 held back \$10,000,000 even from this reduced funding for fiscal year 1988, and the President's budget proposal suggests that even more than \$10,000,000 will be held back the next year as part of the federal budget balancing package; and

WHEREAS, the failure of the Federal Government to release the full amount from the Federal Highway Trust Fund will unfairly require the State to make up for the shortfall, despite the fact that the Federal Highway Trust Fund is entirely paid for by user fees, not general tax revenues, thus requiring the people of Maine to pay twice for the same purpose; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 101st United States Congress release the funds which have been held back from the Federal Highway Trust Fund and distribute it to the states, including Maine's share of approximately \$20,000,000 for fiscal years 1988 and 1989; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Ronald Reagan, President of the United States, the President of the Senate and Speaker of the House of the Congress of the United States and to each member of the Senate and House of Representatives in the Congress of the United States from this State.

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

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
April 11, 1988

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

The House voted today to Insist and Join in a Committee of Conference on Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501).

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: In reference to the action of the Senate on April 11, 1988, whereby it INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE on Bill, "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501):

The Chair appointed as conferees on the part of the Senate:

Senator ESTES of York
Senator KANY of Kennebec
Senator RANDALL of Washington

The Following Communication:
DEPARTMENT OF FINANCE
STATE HOUSE STATION 78
AUGUSTA, MAINE 04333
April 6, 1988

Senator Charles P. Pray
President of the Senate
Senate Chamber
Augusta, Maine 04333
Dear Senator Pray:

Enclosed is a copy of Peat Marwick's report on the Statement of Appropriations and Expenditures for the Legislature and the Executive Department of the Governor for the two year period ending June 30, 1986. This is the latest biennial audit required by Title 3, MRSA, Section 4.

Sincerely,
S/Jean E. Mattimore
Commissioner

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

SENATE PAPERS

Bill "An Act Relating to Stockholder Initiatives on State Investments in Northern Ireland"
S.P. 994 L.D. 2628

Presented by Senator KERRY of York
Cosponsored by: Senator BRANNIGAN of Cumberland, Representative CONLEY of Portland, Representative CURRAN of Westbrook

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

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

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 Relating to Court Appointed Attorneys"

H.P. 717 L.D. 968

Bill "An Act to Prevent Reductions in Existing Child Care Programs Funded with Social Services Block Grants"

H.P. 1566 L.D. 2133

Bill "An Act to Improve the Standard of Living for Maine's Low-Income Children" (Emergency)

H.P. 1619 L.D. 2212

Bill "An Act to Appropriate Funds to Implement the Findings of the Job Classification Study of the University of Maine System"

H.P. 1666 L.D. 2284

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1988 (Emergency)

H.P. 1927 L.D. 2627

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Increase the Minimum Standards for Eligibility for the Elderly Low-Cost Drug Program and the Household Tax and Rent Refund Act"

H.P. 1512 L.D. 2062

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-651).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-651) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require Municipal Approval of Public Land Acquired by the State"

H.P. 1640 L.D. 2239

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-648).

Signed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo

Representatives:

LOOK of Jonesboro
WENTWORTH of Wells
CARROLL of Gray
BOUTILIER of Lewiston
ANTHONY of South Portland

ROTONDI of Athens

STROUT of Windham

BICKFORD of Jay

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

Signed:

Representatives:

LACROIX of Oakland

HUSSEY of Milo

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-648).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-648) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Expand the Property Tax Circuit Breaker Program"

H.P. 1882 L.D. 2574

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-652).

Signed:

Senators:

TWITCHELL of Oxford

DOW of Kennebec

Representatives:

WHITCOMB of Waldo

NADEAU of Saco

ZIRNKILTON of Mount Desert

SEAVEY of Kennebunkport

SWAZEY of Bucksport

CASHMAN of Old Town

MAYO of Thomaston

JACKSON of Harrison

DUFFY of Bangor

DORE of Auburn

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

Signed:

Senator:

SEWALL of Lincoln

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-652).

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Elderly Mental Health Service Needs" (Emergency)

S.P. 742 L.D. 2001

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-440).

Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-440) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds for Teenage Suicide Prevention" S.P. 924 L.D. 2435

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-439).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-439) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended
Bill "An Act to Regulate the Use of Oxen, Pony and Draft Horse Competitions" (Emergency)
H.P. 1565 L.D. 2132
(C "A" H-642)

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
(C "A" H-647)

Bill "An Act to Improve the Linked Investment Program for Agricultural Loans" (Emergency)
H.P. 1718 L.D. 2357
(C "A" H-646)

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

Bill "An Act to Require Licensure of Certain Railroad Personnel"
H.P. 1748 L.D. 2397
(C "A" H-645)

Which was READ A SECOND TIME.
On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act"
H.P. 1687 L.D. 2316
(S "A" S-437 to C "A" H-641)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.
Sent down for concurrence.

Senate

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

Which was READ A SECOND TIME.
On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-442) READ and ADOPTED.
Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.
Sent down for concurrence.

Bill "An Act to Improve Services for Maine's Elderly"

S.P. 943 L.D. 2490
Which was READ A SECOND TIME.
On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-432) READ and ADOPTED.
Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.
Sent down for concurrence.

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

Which was READ A SECOND TIME.
On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

ENACTORS

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

An Act to Provide Additional Resources to the Board of Pesticides Control
H.P. 1514 L.D. 2067
(C "A" H-619)

An Act to Clarify Reporting Requirements under the Campaign Finance Laws
H.P. 1549 L.D. 2109
(H "A" H-623)

An Act to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes
H.P. 1562 L.D. 2129
(C "A" H-631)

An Act to Clarify the Site Location of Development Law
S.P. 897 L.D. 2326
(C "A" S-394)

An Act to Give the Commissioner of Transportation Power to Condemn Existing Rail Lines for Transfer to Safe, Reliable and Efficient Rail Operators
H.P. 1701 L.D. 2338
(C "A" H-616)

An Act Relating to Prison Furloughs
H.P. 1736 L.D. 2381
(C "A" H-609)

An Act to Extend the Uses of the Potato Marketing Improvement Fund
H.P. 1745 L.D. 2391
(S "A" S-419 to C "A" H-569)

An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health
S.P. 937 L.D. 2470
(C "A" S-403)

An Act to Provide for Payment of Contributions by Employers Under the Maine State Retirement System
S.P. 977 L.D. 2595
(H "A" H-627)

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 Ban Disposable Polystyrene Foam Food and Drink Containers from Public Cafeterias
H.P. 1592 L.D. 2178
(C "A" H-604)

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

An Act to Require a Study of the Maine Blueberry Commission

S.P. 921 L.D. 2412
(C "A" S-405)

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

An Act to Promote Greater Workplace Safety

S.P. 936 L.D. 2469
(H "B" H-620 to C "A" S-396)

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

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

H.P. 1823 L.D. 2498
(S "A" S-415)

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

An Act to Establish Greater Communication in the Rule-Making Process and to Provide Better Standards for the Adoption of Rules

H.P. 1912 L.D. 2611

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

Resolve

Resolve, to Appropriate Funds to the AIDS Lodging House, Inc.

S.P. 965 L.D. 2560
(C "A" S-410)

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

Emergency

An Act to Provide Emergency Shelter Services to Homeless Youth

S.P. 760 L.D. 2023
(C "A" S-409)

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

Emergency

An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws

S.P. 885 L.D. 2297
(S "A" S-408 to C "A" S-398)

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

Emergency

An Act to Establish Guidelines for Genetic Engineering Experimentation

H.P. 1727 L.D. 2370
(H "A" H-626 to C "A" H-583)

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

Emergency

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89

H.P. 1800 L.D. 2464
(H "A" H-634 to C "A" H-563)

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

Emergency

An Act Concerning the Storage, Use and Transportation of Hazardous Chemicals

S.P. 939 L.D. 2477
(C "A" S-418)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being 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 Extend a Sunset Provision in the Civil Service Law

S.P. 980 L.D. 2605
(H "A" H-629)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Authorize the Creation of the Freeport Water District

S.P. 987 L.D. 2615

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides

H.P. 1673 L.D. 2292
(S "A" S-421 to C "A" H-610)

On motion by Senator ERWIN of Oxford, placed on the SPECIAL FISHERIES AND WILDLIFE TABLE, pending FINAL PASSAGE.

Emergency Resolve

Resolve. Creating the Commission on Marine Research

H.P. 1741 L.D. 2387
(C "A" H-617)

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

Emergency Resolve

Resolve, to Establish the Special Commission on Boating

H.P. 1785 L.D. 2446
(C "A" H-618)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1988

H.P. 1920 L.D. 2619

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

Off Record Remarks

Under suspension of the Rules, all matters thus acted upon were 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 As Amended

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a State Supplemental Insurance Program for Mentally Impaired Individuals"

S.P. 558 L.D. 1670

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-441).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-441) READ and ADOPTED.

The Bill as Amended, TOMORROW 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 ESTES for the Committee on LEGAL AFFAIRS on Bill "An Act to Provide Greater Protection to Tenants of Mobile Home Parks" (Emergency)

S.P. 825 L.D. 2147

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-444).

Which Report was READ.

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE COMMITTEE REPORT.

ORDERS OF THE DAY

The Chair laid before the the Senate the Tabled and Specially Assigned 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)

Tabled - April 11, 1988, by Senator BERUBE of Androscoggin:

Pending - Motion of same Senator to RECEDE (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.)

(In House, April 8, 1988, that Body INSISTED.)

On motion by Senator BERUBE of Androscoggin, the Senate RECEDED.

On further motion by same Senator, Senate Amendment "B" (S-445) READ and ADOPTED.

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 11, 1988, by Senator PEARSON 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).)

(In Senate, April 11, 1988, Committee Amendment "A" (H-590) ADOPTED. Under suspension of the Rules, READ A SECOND TIME. Senate Amendment "B" (S-438) READ.)

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

Senator CAHILL: Thank you Mr. President, members of the Senate. I was just wondering if Senate Amendment "B" (S-438) is germane to the original bill.

Senate at Ease

Senate called to order by the President.

Tabled by the President, pending a RULING OF THE CHAIR.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, RECESSED until 11:45 a.m.

After Recess
Senate called to order by the President.

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

PAPERS FROM THE HOUSE
Joint Resolution

The Following Joint Resolution: H.P. 1928
JOINT RESOLUTION IN RECOGNITION OF THE HONORABLE
EDWARD T. GIGNOUX, SENIOR UNITED STATES DISTRICT
JUDGE FOR THE DISTRICT OF MAINE

WHEREAS, "the administration of justice is the firmest pillar of government;" and

WHEREAS, the great strength of the Judiciary rests upon distinguished jurists as exemplified by the Honorable Edward T. Gignoux, Senior United States District Judge of Portland; and

WHEREAS, Judge Gignoux is not only recognized in Maine, but across our vast nation as one of the finest trial judges in America; and

WHEREAS, he is an extraordinary person deserving of the State's highest honor for his immeasurable contributions as head of the United States District Court for the District of Maine for over 3 decades; and

WHEREAS, the State of Maine shall forever be indebted to Judge Gignoux who has enriched this State by his excellence as a judge, as an attorney and as a citizen who has generously provided vital leadership in civic affairs; now, therefore, be it

RESOLVED: That, We the Members of the Senate and House of Representatives of the 113th Legislature of the State of Maine now assembled in Second Regular Session take this special opportunity to recognize the Honorable Edward T. Gignoux of Cumberland-Foreside, a native giant of jurisprudence and certainly one of the finest judges in the federal judiciary, whose deep qualities of heart and mind combined with his mastery of his profession have endeared him for all time to the citizenry of Maine; and be it further

RESOLVED: That a duly attested copy of this resolution be appropriately prepared and presented to Judge Gignoux forthwith with our warmest thanks and appreciation.

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

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

COMMITTEE REPORTS
House
Leave to Withdraw

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

Bill "An Act Establishing Rights-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress"

H.P. 1633 L.D. 2228

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund the Office of Child Welfare Services Ombudsman" (Emergency)

H.P. 1861 L.D. 2559

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Insure Payment of Reasonable Costs of Operating Boarding Care Facilities" (Emergency)

H.P. 1472 L.D. 1983

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-660).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-660).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-660) 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 Supplement Crisis Intervention Services to Penobscot, Piscataquis, Hancock and Washington Counties"

H.P. 1506 L.D. 2056

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-659).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-659).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-659) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Prevocational Services for Persons with Long-Term Mental Illness" (Emergency)

H.P. 1548 L.D. 2108

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-663).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-663) 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 Establish Child Care Availability for Individuals in the Substance Abuse Treatment System"

H.P. 1612 L.D. 2205

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-662).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-662) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Protect the Well-Being of Young Children and to Help Prevent Emotional and Behavioral Disorders"

H.P. 1639 L.D. 2238

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-658).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-658).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-658) 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 Fund a Demonstration Teaching Nursing Home"

H.P. 1778 L.D. 2431

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-661).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-661).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-661) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case" (Emergency)

H.P. 1872 L.D. 2564

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-653).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-653) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 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" (Emergency)

H.P. 1905 L.D. 2602

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-656).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-656) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Revise Exemptions Under the Law Relating to the Commercial Transport of Water and to Create the Maine Water Supply Study Commission"

H.P. 1786 L.D. 2447

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-664).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-664) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

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:

Emergency

An Act Allowing Waiver of Certificate of Need Review Requirements for Projects Other Than Those Related to Acute Patient Care When the Waiver Would Further the Purposes of the Maine Certificate of Need Act

H.P. 1503 L.D. 2053

(C "A" H-599)

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 Ensure Local Participation on the Radiological Emergency Preparedness Committee
H.P. 1706 L.D. 2343
(H "B" H-635)

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.

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 Enhance Outdoor Recreation Opportunities

S.P. 889 L.D. 2301
(H "A" H-621 to C "A" S-363)

Which was PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.
(See Action Later Today)

Emergency Resolve

Resolve, Creating the Commission to Study Private Ways and Private Roads

H.P. 1922 L.D. 2622

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

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

An Act to Enhance Outdoor Recreation Opportunities

S.P. 889 L.D. 2301
(H "A" H-621 to C "A" S-363)

(In House, April 12, 1988, PASSED TO BE ENACTED.)
On further 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"

H.P. 642 L.D. 865
(C "A" H-602)

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AND HOUSE AMENDMENT "A" (H-615) in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

Non-concurrent Matter

Bill "An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws"

H.P. 1731 L.D. 2374
(C "A" H-597)

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597) AS AMENDED BY HOUSE AMENDMENT "A" (H-650), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"

H.P. 642 L.D. 865
(C "A" H-602)

Tabled - April 12, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602), in concurrence.)

(In House, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AND HOUSE AMENDMENT "A" (H-615) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

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 Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws" (Emergency)

H.P. 1767 L.D. 2420
(C "A" H-611)

In Senate, April 7, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611) AS AMENDED BY HOUSE AMENDMENT "A" (H-654), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend the Rehabilitation System under the Workers' Compensation Act" (Emergency)

H.P. 1915 L.D. 2614
(S "A" S-416; H "A" H-614)

In House, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-614).

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-614) AND SENATE AMENDMENT "A" (S-416) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-416) AND HOUSE AMENDMENTS "A" (H-614) AND "B" (H-657) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Implement the Department of Human Services Long-Term Care Plan for the Elderly, Handicapped and Citizens with Long-Term Care Needs"

S.P. 788 L.D. 2065

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-447).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-447) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 12, 1988

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501):

Representative O'GARA of Westbrook
Representative KILKELLY of Wiscasset
Representative NORTON of Winthrop

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

Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 12, 1988

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on 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):

Representative LISNIK of Presque Isle
Representative DIAMOND of Bangor
Representative CASHMAN of Old Town

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: In reference to the action of the Senate on April 11, 1988, whereby it INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE on 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):

The Chair appointed as conferees on the part of the Senate:

Senator DOW of Kennebec
Senator THERIAULT of Aroostook
Senator BLACK of Cumberland

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on LEGAL AFFAIRS on Bill "An Act to Provide Greater Protection to Tenants of Mobile Home Parks" (Emergency)

S.P. 825 L.D. 2147

Report - Ought to Pass as Amended.

Tabled - April 12, 1988, by Senator BALDACCI of Penobscot.

Pending - ACCEPTANCE OF THE REPORT.

(In Senate, April 12, 1988, Report READ.)

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-444) READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-444).

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

Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162
(C "A" H-595)

Tabled - April 12, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).)

(In House, April 11, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) thereto, in NON-CONCURRENCE.)

On motion by Senator CAHILL of Sagadahoc, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (H-595).

House Amendment "A" (H-649) to Committee Amendment "A" (H-595) READ and ADOPTED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-450) to Committee Amendment "A" (H-595) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CAHILL: Thank you Mr. President, men and women of the Senate. Just very briefly, this senate amendment adds one sentence which was deleted in a previous amendment that was put on. At the very end of the amendment, subsection eight, it states "any person selling lobsters subject to this section shall maintain records which indicates the person from whom the lobster was purchased." This was inadvertently left off in the previous amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-450) to Committee Amendment "A" (H-595) ADOPTED.

Committee Amendment "A" (H-595) as Amended by Senate Amendment "A" (S-450) and House Amendment "A" (H-649) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Include Drugs for Treatment of Chronic Obstructive Lung Disease in the Elderly Low-Cost Drug Program"

S.P. 800 L.D. 2101

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-449).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-449) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Concerning the Authority of the Maine Municipal Bond Bank to Issue Certain Bonds and to Establish and Administer a Revolving Loan Fund"

S.P. 992 L.D. 2625

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-448).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-448) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Wednesday, April 13, 1988, at 9:00 in the morning.