

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

ERRATA:

**The header on pages 802-806
should read "HOUSE, MAY 16, 1989"
instead of "HOUSE, MAY 15, 1989".**

**The header on page 807
should read "SENATE, MAY 16, 1989"
instead of "HOUSE, MAY 15, 1989".**

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
63rd Legislative Day
Tuesday, May 16, 1989

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

Prayer by Reverend Barry Blackstone, Washington Street Baptist Church, Eastport.

The Journal of Monday, May 15, 1989, was read and approved.

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Prohibit Certain Student Loan Fees" (S.P. 111) (L.D. 166)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Define the Compensation Period for Injuries Resulting in Partial Incapacity under the Workers' Compensation Act" (S.P. 313) (L.D. 818)

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

Unanimous Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Extend the Scope of the Returnable Container Law" (S.P. 197) (L.D. 445)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Clarify the Obligations of Distributors of Beverage Containers" (S.P. 215) (L.D. 531)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Partial Disability under the Workers' Compensation Act" (S.P. 320) (L.D. 857)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Resolve, to Create a Commission to Study Public Acquisition of Recreation Rights on Water Company Lands (S.P. 445) (L.D. 1198)

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

COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
STATE COMPENSATION COMMISSION
May 15, 1989

The Honorable John L. Martin
Speaker of the House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

The State Compensation Commission is pleased to submit its first interim report to the Legislature pursuant to Title 3, Section 2-A of the Revised Statutes. The final report recommendations of our predecessors, the 113th Compensation Commission, are presently before the Joint Standing Committee on Appropriations and Financial Affairs as L.D. 138, "An Act to Implement Certain Recommendations of the State Compensation Commission". We will offer our interim report recommendations as a proposed committee amendment to that bill.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,

s/Stephen R. Crockett, Chair
Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Energy and Natural Resources

Bill "An Act Regarding Solid Waste Disposal" (H.P. 1195) (L.D. 1662) (Presented by Representative ROLDE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Ensure that Certain Homeowners May Remain in Their Own Homes Regardless of Zoning" (H.P. 1198) (L.D. 1665) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative COTE of Auburn, Representative MAYO of Thomaston and Representative SKOGLUND of St. George)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Clarify the Liability of Relatives for Support" (H.P. 1196) (L.D. 1663) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Senator HOLLOWAY of Lincoln, Representative HOGLUND of Portland and Representative MANNING of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish the Department of Child and Family Services" (EMERGENCY) (H.P. 1199) (L.D. 1666) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Representative CARTER of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

LATER TODAY ASSIGNED

Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water System for the Warren State Prison and Pay User Fees (EMERGENCY) (H.P. 1197) (L.D. 1664) (Presented by Representative HIGGINS of Scarborough) (Cosponsored by Senator PERKINS of Hancock, Senator PEARSON of Penobscot and Representative CARTER of Winslow)

(The Committee on State and Local Government had been suggested.)

Representative Joseph of Waterville moved that L.D. 1664 be referred to the Committee on State and Local Government.

On motion of Representative Carter of Winslow, tabled pending the motion of Representative Joseph of Waterville that L.D. 1664 be referred to the Committee on State and Local Government and later today assigned.

Utilities

Bill "An Act Creating the St. Francis Water District" (H.P. 1200) (L.D. 1667) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1201)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House such legislation as it sees fit making Federal Block Grant allocations for fiscal years 1989-90 and 1990-91.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative JOSEPH from Waterville, the following Order:

House Order Propounding Questions to the Justices of the Supreme Judicial Court

WHEREAS, it appears to the House of Representatives of the 114th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3, provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is now before the 114th Legislature, for its consideration, House Paper 271, Legislative Document 383, "An Act to Clarify Maintenance of Private Roads and Ways by Municipalities" and the constitutionality of the Act has been questioned; and

WHEREAS, it has long been recognized that municipalities have an obligation to protect the health and safety of their residents, and as municipalities have taxing powers to generate the funds for such activities; and

WHEREAS, it has also been long recognized that municipalities have authority to create special service districts to provide specific public services to segments of the municipality's population and the exact scope of the municipal power to raise taxes or assess fees in relation to specific services is now unclear; and

WHEREAS, it has generally been an accepted principle that municipalities could not expend general tax revenues for private benefit and as it is also not uncommon for municipalities in Maine to maintain and plow private roads and this practice has arisen because of the concern of municipal residents to ensure access over these roads for police, fire and other emergency vehicles and for the safety and welfare of those residents or visitors also traveling these roads; and

WHEREAS, it appears that several municipalities have made such expenditures for many years, while other municipalities have refrained from doing so

because of doubts as to municipal authority; now, therefore, be it

Ordered, that in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give their opinions on the following questions of law:

Question No. 1: Do the provisions of this bill allowing the use of municipal tax revenues for the purposes set out therein violate the "public purpose" limitation of the Constitution of Maine, Article IV, Part Third, Section 1?

Question No. 2: Do the provisions of this bill, allowing a municipality by vote of its legislative body to assess the users of a right-of-way for the maintenance of that way, violate any provision of the United States Constitution or the Constitution of Maine?

Question No. 3: Do the restrictions in the definition of a "privately owned road" contained in the bill violate any provision of the United States Constitution or the Constitution of Maine?

Was read.

On motion of Representative Martin of Eagle Lake, tabled pending passage and specially assigned for Wednesday, May 17, 1989.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Allow Volunteer Firefighters to Use Sirens Enroute to Fires" (H.P. 886) (L.D. 1230) reporting "Ought Not to Pass"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Increase the Enforcement Powers of the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 894) (L.D. 1238) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Revoke Drivers' Licenses of Individuals Convicted of Trafficking in Drugs" (H.P. 752) (L.D. 1056) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce" (H.P. 209) (L.D. 289) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Permit Municipalities to Have the Option of a Local Sales Tax" (H.P. 441) (L.D. 606) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on Bill "An Act Relating to the Taxable Status of Leased School Property" (EMERGENCY) (H.P. 540) (L.D. 737) reporting "Leave to Withdraw"

Representative DORE from the Committee on Taxation on Bill "An Act to Expand the Excise Tax Exemption for Veterans" (H.P. 431) (L.D. 596) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Amend the Veterans' Property Tax Exemption" (H.P. 812) (L.D. 1124) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on Taxation on Bill "An Act Amending the Guidelines for the Elderly Householders Tax and Rent Refund Program

and the Elderly Low-cost Drug Program" (H.P. 868) (L.D. 1207) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-183) on Resolve, Establishing a Commission to Study the Level of Care of Maine's Elderly Citizens (H.P. 550) (L.D. 747)

Signed:

Senators: GAUVREAU of Androscoggin
TITCOMB of Cumberland

Representatives: MANNING of Portland
ROLDE of York
PEDERSON of Bangor
BURKE of Vassalboro
CLARK of Brunswick
CATHCART of Orono

Minority report of the same Committee reporting "Ought to Pass" as amended by Committee "B" (H-184) on same Bill.

Signed:

Senator: RANDALL of Washington
Representatives: DELLERT of Gardiner
HEPBURN of Skowhegan
PENDLETON of Scarborough
BOUTILIER of Lewiston

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: The basic difference between the Majority Report and the Minority Report is only in one section and that difference is on who should be selecting the Chair of the Commission. The Majority Report asks that the Speaker of the House and the President of the Senate pick the chairman and the Minority Report asks that the Commission, once they meet, pick their chairman.

The Majority Report felt that it was much better to have the Speaker of the House and the President of the Senate pick the Chairman simply because, at the first meeting, you could have a full-fledged meeting because the Chair would already be picked and would have already talked to the staff, already have set up an agenda and already have things ready to go at the first meeting.

I know that I have been involved in a couple of commissions where we picked a Chair the other way like the Minority Report wants to do and what happened was that the first meeting really was just sitting around and not getting anything done. If we are talking about waste of money, that is a good way of wasting money because at the first meeting it comes out of the commission's budget and you really don't get anything done. If the Chair knew ahead of time exactly what the agenda would be and could set up some concrete information at the first meeting, they could meet the whole day. The two commissions that I worked on, we met half a day, we were in and out in about an hour and a half, two hours at the most, and we wasted a whole meeting day. We all know, at least the veterans know, that you only have so many days to do anything on a commission.

I hope that you would support the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I will just take a brief moment to explain where I am on this bill.

We had two bills in front of the Human Resources Committee, L.D. 691 and L.D. 747. Both bills looked at different aspects of this issue of elderly care and we decided as a committee to meld the two bills and create one study. Both of the original bills asked that the Chair be named by the members.

In terms of the process, I think the good Chair of my Committee, Representative Manning, is correct, there can be situations in which the first meeting can be a waste. However, the same can occur even if the Chair is named by the presiding officers and I think if the members are appointed, all of whom are appointed by the presiding officers and all of these individuals know the issues involved and know what they can do in those meetings, that they can have just as much of a role in selecting the Chair as anyone else. Having said that, however, I will say that, having talked to some other members and answering questions as to why I was on the Minority "Ought to Pass" Report on a bill that had no difference except the presiding officers would name the Chair, I was asking one of my neighbors if he would be willing to support this bill. He said that he would, that he would be very neighborly and go along with my motion but that he wanted me to be aware of one thing and that is, neighbors come and go, but the Speaker is here forever. So, I would ask you to support this bill and would ask for a Division.

I know that the study will be a good study regardless of who the Chair is named by and I appreciate your listening to these comments.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: I hope that you will reject the Majority Report and support the Minority Report. Many of the people who are working on care of the elderly know each other and are familiar with each other. I am sure that they would know which person has the time and the effort and the capability of being the Chairman. I think it is important that we keep it amongst the group, let them choose their own Chairman, they work very efficiently that way. I have been on one in the past and I think it has proved itself.

I hope that you will support the Minority Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Portland, Representative Manning, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 60 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-183) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1989.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 113) (L.D. 168) Bill "An Act to Amend the Home Construction Contracts Law" Committee on Business Legislation reporting "Ought to Pass"

(S.P. 248) (L.D. 578) Bill "An Act To Provide Respite Care for Care Givers of Diagnosed Victims of Alzheimer's Disease" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-108)

(S.P. 255) (L.D. 645) Bill "An Act to Provide Increased Funding for the Family Planning Association's Basic Clinical and Educational Services" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-106)

(S.P. 333) (L.D. 894) Bill "An Act to Amend the Animal Welfare Laws" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-110)

(S.P. 371) (L.D. 995) Bill "An Act to Fund and Implement Changes in Health Insurance Benefits in Collective Bargaining Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-107)

(H.P. 983) (L.D. 1361) Bill "An Act to Amend the Charter of Hebron Academy" (EMERGENCY) Committee on Legal Affairs reporting "Ought to Pass"

(H.P. 744) (L.D. 1027) Bill "An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-188)

(H.P. 638) (L.D. 872) Bill "An Act Concerning the Reporting of Alleged Child Abuse" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-189)

(H.P. 751) (L.D. 1055) Bill "An Act to Restrict Smoking in Enclosed Shopping Malls" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-190)

(H.P. 426) (L.D. 591) Bill "An Act to Clarify Parties Which May Petition the Board of Environmental Protection for a Water Level Hearing" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-193)

(H.P. 631) (L.D. 854) Bill "An Act To Amend the Growth Management Laws" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-192)

(H.P. 747) (L.D. 1030) Bill "An Act to Reclassify Surface Waters of the State" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-191)

(H.P. 604) (L.D. 828) Bill "An Act Concerning the Regulatory Authority of the Department of Marine Resources" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-196)

(H.P. 649) (L.D. 883) Bill "An Act to Ensure that the Department of Environmental Protection Receives Adequate Technical Assistance from Natural Resource Review Agencies" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-194)

(H.P. 669) (L.D. 917) Bill "An Act to Require Periodic Reports on the Percentage of the Gasoline Tax That Is Due to Boating Use" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-195)

(H.P. 842) (L.D. 1174) Bill "An Act to Provide Disabled Veterans with Free Drivers' Licenses"

Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-197)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday May 17, 1989, under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 47) (L.D. 14) Bill "An Act to Allow Insurers to Underwrite Mass Marketed Property and Casualty Insurance Plans" (C. "A" S-105)

(H.P. 965) (L.D. 1343) Bill "An Act Concerning Fishing Licenses for Developmentally Disabled Persons" (C. "A" H-182)

(H.P. 213) (L.D. 293) Bill "An Act Relating to Agricultural Awareness" (C. "A" H-185)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Amend the Law Concerning Insurance Cancellation Control (S.P. 99) (L.D. 118) (C. "A" S-92)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act Concerning Amendments to the Community Industrial Buildings Programs (S.P. 175) (L.D. 332) (C. "A" S-89)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act Relating to Driver Education Courses (S.P. 214) (L.D. 530) (S. "A" S-100 and C. "A" S-90)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Authorize the Public Utilities Commission to Study the Implementation of Continuous

Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons (H.P. 640) (L.D. 874) (C. "A" H-144)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Increase Protection for Clients of the Department of Mental Health and Mental Retardation (H.P. 692) (L.D. 944) (C. "A" H-148)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act Providing for Amendments to the Adaptive Equipment Loan Program (S.P. 390) (L.D. 1035) (C. "A" S-94)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Special Warehouse Storage Facilities Provision (H.P. 257) (L.D. 369) (H. "A" H-151 to C. "A" H-146)

An Act to Increase Fees for Bail Commissioners (H.P. 579) (L.D. 783)

An Act to Amend the Laws Relating to AIDS and Communicable Diseases to Remove the Sunset Provision for Health Care Facility Employees and Applicants for Employment (H.P. 718) (L.D. 987)

An Act to Remove the Present Dollar Limit on Funeral, Cremation and Burial Expenses Relative to Restitution by Criminal Offenders (S.P. 298) (L.D. 796) (C. "A" S-95)

An Act to Fund Rural Outreach Programs, Community Response Programs and Minimum Standard Requirements for Providers of Family Crisis Services Statewide (S.P. 362) (L.D. 979) (C. "A" S-93)

An Act Concerning an Employee's Right to Review the Employee's Personnel File (H.P. 330) (L.D. 449) (C. "A" H-156)

An Act Concerning Service of Civil Process by Full-time Law Enforcement Officers (H.P. 353) (L.D. 472)

An Act to Provide Funds for the Maine Potato Breeding Program (H.P. 488) (L.D. 668) (C. "A" H-153)

An Act to Conform the Scope of Prior Convictions When Used to Enhance the Penalty for Negotiating a Worthless Instrument (H.P. 785) (L.D. 1097)

An Act to Increase the Penalties for Forgery (H.P. 821) (L.D. 1149)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Resolve, to Study the Development of a System of Ecological Reserves in the State (S.P. 456) (L.D. 1241) (C. "A" S-91)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

**ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED**

The Chair laid before the House the first tabled and today assigned matter:

An Act to Facilitate Treatment of Abused and Neglected Children (H.P. 745) (L.D. 1028) (C. "A" H-138)

TABLED - May 15, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, May 17, 1989.

The Chair laid before the House the second tabled and today assigned matter:

Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (EMERGENCY) (H.P. 358) (L.D. 478) (C. "A" H-164)

TABLED - May 15, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Wednesday, May 17, 1989.

The Chair laid before the House the third tabled and today assigned matter:

An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System (H.P. 538) (L.D. 735) (C. "A" H-140)

TABLED - May 15, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Hickey of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 735 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-140) was adopted.

The same Representative offered House Amendment "A" (H-205) to Committee Amendment "A" (H-140) and moved its adoption.

House Amendment "A" (H-205) to Committee Amendment "A" (H-140) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

(Off Record Remarks)

The Chair laid before the House the following matter: Resolve, Authorizing the Commissioner of

Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water System for the Warren State Prison and Pay User Fees (EMERGENCY) (H.P. 1197) (L.D. 1664) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that L.D. 1664 be referred to the Committee on State and Local Government.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, I withdraw my motion that L.D. 1664 be referred to the Committee on State and Local Government.

The SPEAKER: Representative Joseph of Waterville withdraws her motion that L.D. 1664 be referred to the Committee on State and Local Government.

On motion of Representative Joseph of Waterville, L.D. 1664 was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

On motion of Representative Melendy of Rockland,
Adjourned until Wednesday, May 17, 1989, at
twelve o'clock noon.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
May 16,

1989

Senate called to Order by the President.

Prayer by Reverend James Heard of the Full Gospel Pentecostal Church in Ellsworth.

REVEREND HEARD: Shall we bow in prayer. Dear Lord Jesus, we are so thankful to come to You today on behalf of this Legislature and opening this session today. Jesus, we pray that You will be here in Your wisdom and that we will draw from Your wisdom. That each Senator that is gathered here today will look to You, Lord, for their wisdom in matters pertaining to this session.

Jesus, we just ask that Your divine presence will be here. That You will guide every step, every decision, Master, because we know that we need You and that we can do nothing without You. We ask, Lord, that Your presence be felt here. Master, that we will acknowledge Your leadership and Your guidance. Be with us today as we pray, honor, guide, lead, and most of all ask, once again, for Your wisdom in decisions being passed. We thank You for the privilege of talking with You and for sharing this time with You. We count it a honor and privilege, Lord, to talk to You at any time. Bless now, minister, and once again we pray for wisdom and guidance. In Jesus' precious name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988" (Emergency)

S.P. 101 L.D. 120
(C "A" S-84)

In House, May 11, 1989, PASSED TO BE ENACTED.

In Senate, May 12, 1989, FAILED ENACTMENT, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) AND HOUSE AMENDMENT "A" (H-187) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Increase the Office of Advocacy"
H.P. 1177 L.D. 1632

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

In House, May 11, 1989, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

In Senate, May 12, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

House Papers

Resolve, to Grant a Temporary Psychologist's License to Bruce W. Webb (Emergency)