

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
68th Legislative Day
Tuesday, May 23, 1989**

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

Prayer by Reverend Linwood Arnold, Peoples United Methodist Church, South Portland.

The Journal of Monday, May 22, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas" (S.P. 600) (L.D. 1677)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Vinalhaven (EMERGENCY) (S.P. 601) (L.D. 1678)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Create and Implement a Fee Schedule and to Establish One Permanent Position to Coordinate and Administer the Superfund Amendments and Reauthorization Act of 1986" (EMERGENCY) (S.P. 324) (L.D. 861)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Establish the Maine Solid Waste Authority" (EMERGENCY) (S.P. 432) (L.D. 1143)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Improve the Definition of Legal Residence for Elected Officials" (S.P. 332) (L.D. 893)

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 Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Make Participation in the Maine Legislative Retirement System Optional" (S.P. 543) (L.D. 1514)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Improve Individualized Treatment and Planning Procedures for Long-term Care Clients" (S.P. 430) (L.D. 1141)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify the Law Regarding Immunity of Nonprofit Organization Directors, Officers and Volunteers" (S.P. 201) (L.D. 479)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Increase the Penalty for Major Cocaine Traffickers and to Encourage Cooperation with Prosecutors" (S.P. 416) (L.D. 1082)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Make Retail Liquor Prices Uniform Throughout the State" (S.P. 112) (L.D. 167)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Protect the Rights of Citizens During Labor Disputes and to Protect the Right of Peaceful Picketing" (S.P. 472) (L.D. 1269) (Representative JALBERT of Lisbon - of the House - Abstained)

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on Bill "An Act to Delay Implementation of the 1989 Increase in Minimum Lobster Size" (Emergency) (S.P. 85) (L.D. 85)

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

Ought to Pass as Amended

Report of the Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-126) on Bill "An Act to Regulate the Installation of Fire Sprinklers" (S.P. 237) (L.D. 567)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-126) as amended by Senate Amendment "A" (S-139) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-126) was read by the Clerk.

Senate Amendment "A" (S-139) to Committee Amendment "A" (S-126) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading Wednesday, May 24, 1989.

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-128) on Bill "An Act to Create the Individual Income Tax Windfall Fund" (EMERGENCY) (S.P. 306) (L.D. 805)

Signed:

Senators: ANDREWS of Cumberland
BALDACCI of Penobscot
Representatives: NADEAU of Saco
TARDY of Palmyra
DIPIETRO of South Portland
CASHMAN of Old Town
DORE of Auburn
SWAZEY of Bucksport
DUFFY of Bangor

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: EMERSON of Penobscot
Representatives: WHITCOMB of Waldo
SEAVEY of Kennebunkport
JACKSON of Harrison

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-128)

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Limit the Sunday Closing Law" (S.P. 436) (L.D. 1153)

Signed:

Senators: BALDACCI of Penobscot
HOBBS of York
WHITMORE of Androscoggin
Representatives: ALLEN of Washington
REED of Falmouth
TELOW of Lewiston
SHELTRA of Biddeford
CONSTANTINE of Bar Harbor
MARSTON of Oakland
GRAHAM of Houlton
STEVENS of Sabattus
GURNEY of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-131) on same Bill.

Signed:

Representative: LIBBY of Kennebunk
Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

Representative Allen of Washington moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Wednesday, May 24, 1989.

Non-Concurrent Matter

Bill "An Act to Restrict Smoking in Enclosed Shopping Malls" (H.P. 751) (L.D. 1055) which was passed to be engrossed as amended by Committee Amendment "A" (H-190) in the House on May 17, 1989.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Human Resources in non-concurrence.

On motion of Representative Manning of Portland, tabled pending further consideration and specially assigned for Wednesday, May 24, 1989.

Non-Concurrent Matter

Bill "An Act to Allow Municipalities to Withhold Business Licenses under Some Circumstances" (H.P. 254) (L.D. 366) which was passed to be engrossed as amended by Committee Amendment "A" (H-203) in the House on May 18, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-203) and Senate Amendment "A" (S-138) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds (EMERGENCY) (S.P. 336) (L.D. 897) (C. "A" S-83)

- In House, passed to be enacted on May 11, 1989.
- In Senate, passed to be enacted on May 12, 1989 in concurrence.

- Recalled from the Governor's Desk pursuant to Joint Order (S.P. 599)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-83) and Senate Amendment "A" (S-136) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333
May 22, 1989

Representative John L. Martin
Speaker of the House of Representatives
State House Station #2
Augusta, Maine 04333
Dear Speaker Martin:

I submit herewith the 68th Annual Report of the State Auditor for the fiscal year ended June 30, 1987 as required by Title 5, section 244 of the Maine Revised Statutes.

I would like to express my special appreciation to the managers and staff of the Department of Audit for their continued support of quality audits and to the officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,
s/Rodney L. Scribner, CPA
State Auditor

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills 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:

Judiciary

Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation" (H.P. 1214) (L.D. 1686) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative MacBRIDE of Presque Isle, Representative MAYO of Thomaston and Representative HEPBURN of Skowhegan) (Submitted by the Department of Corrections pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Amend the Lobster and Crab Fishing License Law" (H.P. 1215) (L.D. 1687) (Presented by Representative CONSTANTINE of Bar Harbor) (Cosponsored by Representative COLES of Harpswell, Senator BRAWN of Knox and Senator PERKINS of Hancock) (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 NADEAU of Lewiston, the following Joint Order: (H.P. 1216)

Ordered, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a bill "An Act Establishing the Affordable Housing Partnership Act of 1989" to the House.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Enhance the Natural Fish Die-off Clean-up Program" (H.P. 207) (L.D. 287) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require Government Agencies to Notify the Public and Local Officials of Potential Public Land Purchases" (H.P. 701) (L.D. 962) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Resolve, Directing the Bureau of Human Resources to Study Certain State Employee Classifications (H.P. 712) (L.D. 973) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Resolve, Concerning a Right-of-way Across the Elizabeth Levinson Center in Bangor (H.P. 403) (L.D. 546) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require the Bureau of Purchases to Purchase Those Products Made Only in the United States" (H.P. 792) (L.D. 1104) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require State Agencies to Pay Contractual Agencies a Late Charge for Delinquent Payments" (H.P. 915) (L.D. 1281) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Permit Private Educational Institutions of Higher Learning to Make Purchases through the State Purchasing Agent" (H.P. 938) (L.D. 1306) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Standardize the Compensation and Appointment Practices for Senior State Managers" (H.P. 907) (L.D. 1264) 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 CROWLEY from the Committee on Education on Bill "An Act Guaranteeing Each School Administrative Unit a Minimum State Share of Operating Costs" (H.P. 416) (L.D. 581) reporting "Leave to Withdraw"

Representative MITCHELL from the Committee on Marine Resources on Bill "An Act to Amend the Nonresident Clamming License Laws" (H.P. 1078) (L.D. 1500) reporting "Leave to Withdraw"

Representative HEPBURN from the Joint Select Committee on Corrections on Bill "An Act Concerning the Permitted Uses of Funds Received by Counties as Reimbursement for Housing Certain Prisoners" (H.P. 641) (L.D. 875) reporting "Leave to Withdraw"

Representative HEPBURN from the Joint Select Committee on Corrections on Bill "An Act to Provide Full Reimbursement to Counties for Capital Expenditures for Buildings Attributable to the Community Corrections Program" (H.P. 582) (L.D. 786) "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Remove the Jurisdiction of the County Commissioners over Municipal Roads" (H.P. 613) (L.D. 836) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Concerning Municipal Harbor Commissioner Employment

Requirements" (H.P. 322) (L.D. 438) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Deorganize the Town of New Portland" (H.P. 231) (L.D. 315) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Allow the Town of Standish to Plow and Sand Certain Private Roads" (H.P. 186) (L.D. 251) reporting "Leave to Withdraw"

Representative TELOW from the Committee on Business Legislation on Bill "An Act to Regulate the Use of Water Glass Adhesive on Shipping Labels" (H.P. 946) (L.D. 1314) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act Regarding Physician Insurance Rates" (H.P. 833) (L.D. 1165) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Require Health Insurance Carriers to Inform Parents of Benefit and Other Information" (H.P. 928) (L.D. 1294) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Amend the Workers' Compensation Insurance Laws to Encourage Safety in the Workplace" (H.P. 654) (L.D. 888) reporting "Leave to Withdraw"

Representative GARLAND from the Committee on Banking and Insurance on Bill "An Act to Require Physicians Providing Medicare Services to Bill Secondary Payors Directly for Balances Due" (H.P. 379) (L.D. 510) reporting "Leave to Withdraw"

Representative ERWIN from the Committee on Banking and Insurance on Bill "An Act to Increase the Office of the Public Advocate's Involvement in Insurance Rating" (H.P. 460) (L.D. 625) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Authorizing Changes to the Budget Process in York County" (H.P. 904) (L.D. 1261) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Make Changes in the Law Relating to Quasi-municipal Charter Changes" (H.P. 773) (L.D. 1085) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(S.P. 499) (L.D. 1373) Bill "An Act to Restrict Use of Antifreeze or Other Toxic Agents on Lakes, Ponds and Streams" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-127)

(H.P. 397) (L.D. 528) Bill "An Act to Amend the Animal Welfare Laws" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-251)

(H.P. 918) (L.D. 1284) Bill "An Act to Increase the Penalties for Selling Game and Make Them Uniform" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-252)

(H.P. 874) (L.D. 1217) Bill "An Act to Permit Municipalities to Set Lower Debt Limitations"

Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-253)

(H.P. 644) (L.D. 878) Bill "An Act to Strengthen the Penalties against Those Who Intentionally Mislabeled Foods as Natural or Organic" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

(H.P. 630) (L.D. 853) Bill "An Act Regarding Dangerous Dogs" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-255)

(H.P. 522) (L.D. 707) Bill "An Act to Make Allotments for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-256)

(H.P. 772) (L.D. 1084) Bill "An Act to Consolidate the Township of Misery-Sapling Gore into Adjoining Townships" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 520) (L.D. 705) Bill "An Act Concerning Special Marine Resources Permits" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-258)

(H.P. 205) (L.D. 285) Bill "An Act to Improve Regulatory Oversight of Health Maintenance Organizations" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-259)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 24, 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:

(H.P. 1019) (L.D. 1420) Bill "An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State" (EMERGENCY)

(H.P. 653) (L.D. 887) Resolve, to Create the Commission to Study Public Financing of State Elections

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

(H.P. 559) (L.D. 757) Bill "An Act Concerning Withdrawal of Candidates" (C. "A" H-234)

On motion of Representative Priest of Brunswick, was removed from Consent Calendar, Second Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-234) was read by the Clerk.

On motion of Representative Priest of Brunswick, tabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, May 24, 1989.

(H.P. 544) (L.D. 741) Bill "An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities" (C. "A" H-233)

(H.P. 782) (L.D. 1094) Bill "An Act Providing Conformity with the United States Internal Revenue Code Under the Maine Income Tax Law for 1988" (EMERGENCY)

(H.P. 1039) (L.D. 1450) Bill "An Act Concerning the Location of Lobster Trap Vents" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as amended and sent up for concurrence.

(H.P. 33) (L.D. 33) Bill "An Act to Authorize the Bureau of Veterans' Services to Provide Assistance to Vietnam Veterans" (C. "A" H-235)

On motion of Representative Tammaro of Baileyville, was removed from Consent Calendar, Second Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-234) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-274) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-274) to Committee Amendment "A" (H-234) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading Wednesday, May 24, 1989.

(S.P. 61) (L.D. 44) Bill "An Act to Establish a Supreme Judicial Court Sentence Review Mechanism Relative to Sentences Involving Terms of Imprisonment of One Year or More"

(S.P. 449) (L.D. 1211) Bill "An Act to Maintain Legal Services for Low-income Citizens" (EMERGENCY)

(S.P. 311) (L.D. 816) Bill "An Act to Increase Safety on Maine Roads and Protect the General Welfare" (C. "A" S-124)

(H.P. 548) (L.D. 745) Bill "An Act to Clarify the Provisions of the Act to Protect Elderly, Infirm Persons from Improvident Transfers of Title to Property"

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

(H.P. 825) (L.D. 1157) Bill "An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Unlawful Furnishing"

On motion of Representative Tammaro of Baileyville, was removed from Consent Calendar, Second Day.

Report was read and accepted, the Bill read once and assigned for second reading Wednesday, May 24, 1989.

(H.P. 678) (L.D. 929) Bill "An Act to Clarify the Payment of Medical Expenses under the Workers' Compensation Act" (C. "A" H-239)

(H.P. 702) (L.D. 963) Bill "An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws" (C. "A" H-240)

(H.P. 434) (L.D. 599) Bill "An Act Regulating the Sale of Grave Markers by Funeral Establishments" (C. "A" H-241)

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

(H.P. 149) (L.D. 201) Bill "An Act Relating to Collision Damage Waivers for Rented Motor Vehicles" (C. "A" H-242)

On motion of Representative McCormick of Rockport, was removed from Consent Calendar, Second Day.

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-242) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

L.D. 201 appears to prohibit a car leasing or rental company from holding a renter liable for damage to a rented vehicle under certain conditions. According to one of my constituents, this bill would for all practical purposes force all small car leasing firms in the State of Maine out of business if this bill is passed. My question is, how many complaints have we had in the State of Maine regarding this issue?

The SPEAKER: Representative McCormick of Rockport has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: The bill came to us as a result of complaints that have been received by the Consumer Division of the Bureau of Insurance. I don't have an enumeration on the exact number. We heard of several people who had called and complained. The problem is that CDW's are not insurance and, therefore, they probably would not be the one that would receive the bulk of the complaints.

Subsequently, Committee Amendment "A" was adopted and the Bill assigned for second reading Wednesday, May 24, 1989.

(H.P. 54) (L.D. 75) Resolve, Authorizing Lorraine Gray to Bring a Civil Action Against the State of Maine and Individual Past and Present Employees of the Department of Human Services (C. "A" H-243)

(H.P. 832) (L.D. 1164) Bill "An Act to Allow the Sale of Alcoholic Beverages in Bowling Centers" (C. "A" H-244)

(H.P. 266) (L.D. 378) Resolve, Authorizing Oscar and Wandalyn Rae Thompson to Bring Suit Against the State of Maine (C. "A" H-245)

(H.P. 709) (L.D. 970) Bill "An Act Regarding Political Party Enrollment" (C. "A" H-246)

(H.P. 228) (L.D. 312) Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages" (C. "A" H-247)

(H.P. 371) (L.D. 502) Bill "An Act to Increase the Recording Fees for Services Rendered by the County Offices of Registry of Deeds" (C. "A" H-248)

(H.P. 784) (L.D. 1096) Bill "An Act to Better Incorporate Vocational Education into High School Graduation Requirements"

(H.P. 585) (L.D. 789) Bill "An Act to Create the Youth-at-Risk Alternative Education Program" (C. "A" H-250)

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Revised Maine Securities Act and Related Statutes" (H.P. 189) (L.D. 254)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Rydell of Brunswick offered House Amendment "A" (H-237) and moved its adoption.

House Amendment "A" (H-237) was read by the Clerk and adopted.

Representative Tammaro of Baileyville offered House Amendment "B" (H-275) and moved its adoption.

House Amendment "B" (H-275) was read by the Clerk and adopted.

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

PASSED TO BE ENGROSSED

Bill "An Act to Require Mandatory Checking of Motorists' Maintenance of Financial Responsibility" (H.P. 284) (L.D. 396)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Prohibit Smoking in Hospitals" (H.P. 728) (L.D. 1005) (C. "A" H-232)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Clark of Brunswick moved that L.D. 1005 and all accompanying papers be indefinitely postponed.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not indefinitely postpone this bill. We talked about it yesterday and I don't want to prolong the debate but I think we made convincing arguments in yesterday's debate.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Clark of Brunswick that L.D. 1005 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 83 in the negative, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information (S.P. 179) (L.D. 336) (S. "A" S-119 to C. "A" S-101)

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. 126 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 the Regulatory Authority of the Department of Marine Resources (H.P. 604) (L.D. 828) (C. "A" H-196)

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. 123 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 Amend the Growth Management Laws (H.P. 631) (L.D. 854) (C. "A" H-192)

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 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 (H.P. 744) (L.D. 1027) (C. "A" H-188)

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 to Amend the Charter of Hebron Academy (H.P. 983) (L.D. 1361)

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. 120 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.

**ENACTOR
Emergency Measure
Tabled and Assigned**

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens (H.P. 550) (L.D. 747) (H. "A" H-215 to C. "A" H-183)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and specially assigned for Wednesday, May 24, 1989.

PASSED TO BE ENACTED

An Act to Amend the Records Management Laws (S.P. 245) (L.D. 575) (C. "A" S-113)

An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under

the Municipal Employees Labor Relations Law (S.P. 260) (L.D. 650) (C. "A" S-112)

An Act to Establish a Temporary Water Management Resources Board (S.P. 265) (L.D. 655) (C. "A" S-96)

An Act to Clarify Parties Which May Petition the Board of Environmental Protection for a Water Level Hearing (H.P. 426) (L.D. 591) (C. "A" H-193)

An Act Concerning the Reporting of Alleged Child Abuse (H.P. 638) (L.D. 872) (C. "A" H-189)

An Act to Ensure that the Department of Environmental Protection Receives Adequate Technical Assistance from Natural Resource Review Agencies (H.P. 649) (L.D. 883) (C. "A" H-194)

An Act to Require Periodic Reports on the Percentage of the Gasoline Tax That Is Due to Boating Use (H.P. 669) (L.D. 917) (C. "A" H-195)

An Act to Facilitate Treatment of Abused and Neglected Children (H.P. 745) (L.D. 1028) (H. "A" H-216 to C. "A" H-138)

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.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases (S.P. 330) (L.D. 867) (C. "A" S-103)

TABLED - May 19, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, retabled pending passage to be enacted and later today assigned.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

**CONSENT CALENDAR
First Day**

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

(H.P. 1193) (L.D. 1660) Bill "An Act to Provide for an Interim Superintendent for the Augusta Mental Health Institute" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261)

On motion of Representative Martin of Eagle Lake, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-261) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, was sent forthwith to the Senate.

The Chair laid before the House the second item of Unfinished Business:

An Act Relating to State Personnel Administration (S.P. 100) (L.D. 119) (C. "A" S-104)

TABLED - May 19, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 119 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" (S-104) was adopted.

The same Representative offered House Amendment "A" (H-271) to Committee Amendment "A" (S-104) and moved its adoption.

House Amendment "A" (H-271) to Committee Amendment "A" (S-104) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. I wonder if the Representative from Fairfield could explain how this amendment would affect our current personnel laws and what it might do to collective bargaining agreements?

The SPEAKER: Representative Higgins of Scarborough has posed a question through the Chair to Representative Gwadosky of Fairfield, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the question of the Representative from Scarborough, Representative Higgins.

This amendment clarifies legislative intent with respect to the issue of salary ranges and the changing of salary ranges. It makes consistent the policy this legislature established in 1985 when we abolished the state personnel system and established the Department of Human Resources. Specifically it requires for legislative approval of salary range changes throughout state government. It doesn't affect collective bargaining because, as you can see in the amendment, it indicates "except as otherwise provided in collective bargaining." It would not affect the collective bargaining agreements. Specifically, as you know, there are positions throughout state government and each of those positions has an established salary range. Traditionally state employees will come in, begin at usually the lower or beginning portion of that salary range and, during their work life, progress up the steps in that particular salary range. They may change to a job that has a different salary range. Periodically, we may find positions in state government where we have problems in recruiting or retaining a particular person because of the outdated salary and there are times when we reclassify positions and establish new salary ranges. But, whenever we have done that, it has always been with legislative approval.

Those of us who were involved in the study in 1985 and involved in the legislation at that point in time understood then as we do now that salary range changes have a dramatic impact upon our state budget. They not only have an immediate impact but it is a long-term comprehensive impact upon the employee himself or herself as well as state government and members of the general public. We believe that whenever salary range changes are conducted, they should be done based on evidence, they should be just, and there needs to be a check and balance in that process. Legislative approval achieves that important check and balance in that process.

The integrity and the consistency of the civil service system is only going to work unless we continue to allow this. Most of us have been under the assumption that whenever the administration or any administration wanted to change a salary range that it had to have legislative approval. This amendment would reaffirm that position.

Subsequently, House Amendment "A" to Committee Amendment "A" was 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.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the third matter of Unfinished Business:

An Act Concerning Teacher Employment (H.P. 486) (L.D. 666) (C. "A" H-163)

TABLED - May 19, 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 24, 1989.

The Chair laid before the House the fourth item of Unfinished Business:

An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102)

TABLED - May 19, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reconsideration (Returned by the Governor without his approval)

On motion of Representative Gwadosky of Fairfield, retabled pending reconsideration (Returned by the Governor without his approval) and later today assigned.

The Chair laid before the House the fifth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (4) "Ought to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H.P. 808) (L.D. 1120)

TABLED - May 22, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and specially assigned for Wednesday, May 24, 1989.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Provide for Public Bell Ringing on Veterans Day" (H.P. 991) (L.D. 1380)

TABLED - May 22, 1989 by Representative JALBERT of Lisbon.

PENDING - Adoption of Committee Amendment "A" (H-249)
Subsequently, Committee Amendment "A" (H-249) was adopted and the Bill assigned for second reading Wednesday, May 24, 1989.

The Chair laid before the House the following matter: Majority Report (9) of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-128) on Bill "An Act to Create the Individual Income Tax Windfall Fund" (EMERGENCY) (S.P. 306) (L.D. 805) and Minority Report (4) of the same Committee reporting "Ought Not to Pass" on same Bill (Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-128) which was tabled earlier in the day and later today assigned pending the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you folks have had an opportunity to look at the bill and look at the Senate Amendment that was placed on the bill. I am just going to briefly explain what the bill does. The bill will set aside to date somewhere around \$20 million. It originally started at \$10 million which was what we set aside last year to address over-collections and then a little over \$7 million which was collected in March and a little over \$2 million which was collected from the individual income tax account in April.

I oppose the motion before us for the following reasons: (1) I really don't see any need to set aside a special fund called a Windfall Account to address the problems that occurred with over-collection. As all of you know and have been aware in the last week, we have had a report presented to us from Peat, Marwick Main & Co. and we know where we stand with that proposal. We know that there has to be some adjustments made in our tax tables and rates to accomplish full compliance or full conformity with what we wanted to achieve based on the 1986 figures.

We have a process which we go through here, usually we have a way that the committees operate and particularly when they become Appropriations measures. When we are dealing with dollars, the Appropriations Committee usually is the committee who establishes the expenditure. I am a little concerned about the possibility that the majority members of the Taxation don't feel that the Appropriations Committee can manage the state's money. That does concern me because I feel that we have several credible members on that committee. We also know and are aware that the leadership of both bodies of this legislature have committed themselves in seeing that the windfall is returned and the corrections made as well as the chief executive officer of this state. Having said that, I would hope that you folks would vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This is a very simple bill. It reestablishes the Tax Windfall Account and you can all remember, (those of you who were here in the 113th Legislature) in December of 1986, we set up in order to provide funds to take care of our income tax situation which was created by the federal changes passed by Congress in 1986. The fund was dissolved on June 30, 1988 because, at that point in time, we

had been told by the finance department that the problem had been solved and the over-collection problem had been solved and the fund was no longer needed. Without going into the whole history of last Fall's debate over whether the problem had been solved or not, the ultimate result of it was that in January we asked the Legislative Council to fund an independent study of Maine's income tax system because we didn't feel that the problem had been solved. The report from that committee issued last week indicated, as you all know, that we in fact have been right since last July, the windfall amount was much higher than was identified by the administration and we continue to have an over-collection problem. You have all heard from your constituents and I don't need to tell you that.

Now the problem is, what do we do about it? We have been given recommendations by the Peat, Marwick, Main & Company on how we can solve this problem. We have other recommendations in our committee. The problem is, we are going to need money to do it. What this bill does is it takes the money that is already identified in surplus as over-collection or as collected money over projection in the individual income tax and puts it back into the account that we had to handle this problem in the first place. The account is needed again because the problem has not been solved. It is going to take money to solve it.

Representative Jackson says that the bill isn't needed. Well, I contend that it is for two reasons. First of all, as you can all remember last Fall, we set \$10 million aside to pay for anticipated refunds of taxation collections through tax year 1988. Those refunds never materialized, that money is still sitting in the fund that we established. We need that money to fund these corrections. This bill takes that money and puts it in the account. The other thing it does is it takes the surplus money collected since January, the other \$10 million.

Representative Jackson mentioned the Appropriations Committee handles finances and they do and I have every confidence that they do a good job and we are not trying to usurp their power. But the Appropriations Committee does not make revenue adjustments. Revenue adjustments only come from one place, the administration. The money that is currently in surplus from the individual income tax account, the money that has been stored up in surplus from the individual income tax account since the first of this year, will continue to be identified as surplus until the administration does some revenue adjustments like they did last January.

If Representative Carter were able to do that, I would agree with Representative Jackson that this bill may not be necessary, but he can't. We need to put that money where it belongs so that we can rectify this problem. I urge the House to support the pending motion.

Representative Mayo of Thomaston requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Old Town is absolutely correct about the amounts of money that

we are talking about. Again, getting back to the process in dealing with the over-collection, we already have a proposal which has been presented to us from the group that did the study of the windfall and that does address the over-collections. It does address the windfalls and does address corrections that have got to be made in the future. I wish you would keep that in mind when the vote is taken this morning.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I think it may be useful for the House to understand a little bit more about what occurred when the bill was presented to the committee because it was interesting to me as a relatively newcomer on the committee to ask the sponsors what the intent of this fund was. We have been led to believe, I think, perhaps the intent of this fund is to have it all returned to those who overpaid or as close as possible. Yet, when the bill was presented to those of us on Taxation, the sponsors and others in support of the bill did not commit themselves to returning this money as a windfall over-collection, it was simply to be set aside and to be used for some purposes. I think that kind of adds a curious note to this debate as to just why an additional fund is needed to be set up for some future purposes. It seems to me that we may be, in fact, creating a little bit of an illusion by doing this. We may be creating in the minds of some people who follow the process that there is somehow some security by setting aside a special fund when, in fact, the use of that fund is somewhat in question and setting it aside is kind of a change in the process, sort of subverting the appropriations process. To me, it is a little bit like an introduction to what may be coming in the final days of the session which is at times an attempt to create illusions as to the availability of funds or the eventual use of funds or what may or may not be available to people to be used for property tax relief or any other number of schemes.

I think what we see today is the beginning of the final days, kind of like a process of waiting, creating funds, waiting to see what happens so I urge this body to reject the Majority Report so we can deal with fiscal realities, so we can deal straightforward with the problems. There isn't a person in this body, certainly not on the Taxation Committee, who does not agree that there are problems with the income tax. There is not a person on the Taxation Committee that does not agree that we need to make changes. The question is, why create a separate fund whose purpose is not even necessarily to solve that problem?

I would urge this body to reject the motion before us and accept the Minority Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" Report and later today assigned.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
*** Emergency Measure**

An Act to Provide for an Interim Superintendent for the Augusta Mental Health Institute (H.P. 1193) (L.D. 1660) (C. "A" H-261)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly (I know we are all in a rush today) go over what this piece of legislation will do.

As most of you know by now, a few weeks ago, the Maine Medical Center was asked by the Governor of the State of Maine to take over the administration of the Augusta Mental Health Institute. The hospital, in deciding what they should do, came up with a solution of a consortium that would bring in five hospitals throughout the southern part of the State of Maine. The individual hospitals will work with the Maine Medical Center in taking over the Augusta Mental Hospital for a period of about 120 days.

They have come up with a person who they feel is qualified to take over. In section one of the bill, it allows an individual who is not a state employee to take over the hospital and to be covered as a state employee under the Maine Tort Claims Act. This individual provision probably wouldn't have had to be put in law simply because a recent Supreme Court ruling had probably decided that this person could take over the institution and be covered under the Maine Tort Claims Act but what this particular section does is say that an individual could take over the Augusta Mental Hospital.

The second section of the bill allows the Health Consortium Inc., which is the five hospitals, the immunity and other provisions under the Maine Tort Claims Act to be placed under the Maine Tort Claims Act. The hospitals had indicated that that was the only way they would take over running the institution for fear of being called into suit by a number of different people who have filed suit already. As most of us know, there is a class action suit filed on behalf of the patients at AMHI so the consortium decided they would only take over the institution if they could be under the Maine Tort Claims Act. This caused some grave concerns by a number of the committee members. This was the first time that anybody could ever remember where an outside group would come in and take over an institution and it is the first time they ever heard of anybody being placed under the Maine Tort Claims Act.

Quite frankly, the hospitals probably had no choice. They were told that they had no ability to go out and get malpractice insurance and the only way that they could see around helping out the institution was to get under the Maine Tort Claims Act.

Other provisions of the bill allow for the legislature to request the acting superintendent to appear in front of the legislative committee which would be the legislative committee having jurisdiction over mental health whenever they decided that they wanted to talk to him. In some cases, it would most likely be a month from whenever he takes over because certainly we are not going to ask somebody to come in two or three days after he takes over, we want that person to get his feet wet and to take a look at it and to come back just before we adjourn or probably right after we adjourn.

The other thing that the committee wanted to put in there was to have all the material that went from AMHI through the acting superintendent to the department so that we were able to have all the paper work to see just exactly what is going on, what are the requests, what are the requests especially from the acting director? Quite frankly, as most of us knew, some of the requests that were coming out of the former superintendent were not being met, not only at the level of the commissioner, but also the

level of the Governor's office. This would give us a time to study it and if, in looking at the reports, we decided that we needed more money to be put in like we did during the emergency supplemental budget that we passed, then we can do that.

Finally, the money that will be funding the consortium will be coming out of the Governor's Contingency Fund. That is what this bill does, it has raised a few eyebrows in the Committee on Human Resources and I know it has raised a few eyebrows amongst many of the legislators in this body. I won't go on because of time but there are others who would like to talk about that.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee, I, too, have had some reservations about this bill. One of the things that concerned me when we discussed it in committee was a sense of reluctance on the committee's part to give immunity to hospitals. I was concerned that the hospitals be viewed, not as someone who is seeking this particular job, but as someone who (in a sense) is doing a favor for the state because they did not ask to be put in this position. As the gentleman has pointed out, what we are doing today is absolutely unprecedented. In all the years that I have been here, I have never seen anything like this before. We have often had consultants but as far as I know we have never had management come in to deal with a state institution.

I guess I am concerned too because I even hear we are talking about doing this in the state income tax -- that perhaps Peat, Marwick, Main & Co. would come in and do some management for us in that area. So, I have to ask the question and wonder what is happening with state agencies whom we pay to do a job and then someone has to come in from outside and do this. Reluctantly, I am going along with this bill because its situation, in my opinion, has been allowed to become a crisis but I do have to say I believe it is a bizarre way to govern.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Burke.

Representative BURKE: Mr. Speaker, Men and Women of the House: I stand here before you today in a very unusual position. I am asking you to support L.D. 1660. This bill, as amended, allows for the Department of Mental Health to appoint a non-state employee as the interim superintendent at AMHI. As such, he will receive the coverage under the Maine Tort Claims Act, so in the event of malpractice, he would only be liable for a maximum of \$300,000.

In addition, this bill would allow all employees of the Health Care Consortium be covered under the Tort Claims Act when they act on behalf of AMHI.

I ask you to support this bill. However, I ask you to do this with very mixed emotions. I have been involved in the investigation at AMHI since January and continue to be involved as a member of the AMHI oversight committee. As a nurse, I have sighted instances of poor management and a lack of standards at AMHI and have attempted to assist the department in changing those conditions with the resources that could be provided by the legislature. However, the process has been fraught with problems. Oftentimes, the administration has attempted to put politics first and the needs of the patients and the employees at AMHI last. It is my sincere belief that this response by the Governor to the current crisis at AMHI is poorly planned and outlines no objectives, nor measurable goals.

Additionally, coverage under the Tort Claims Act for all these people sets a very poor legislative

precedent. I believe that this consortium should be held fully accountable for all policies implemented at AMHI and limited legal ramifications seems to imply to the clients at AMHI that they are less than important. I also believe that unless the consortium receive the coverage under the Tort Claims Act, they will refuse to act at all in the AMHI crisis. So, it appears that we as legislators must vote to approve this legislation. The plan is poorly thought out and is, in Dr. Deal's words, "A response to a cry for help by the Governor," it offers only limited culpability in the event of malpractice. We must approve it because it is the Governor's plan because we as a legislature are charged only with providing the resources by which the Governor can administer his agencies. We can only offer our advice to the Governor. While the oversight committee has offered its reservations on this proposal to the Governor, he has opted to follow this line of action anyway, so we must pass this bill but we must also let the Governor know, in no uncertain terms, that we do so only with great reservations and grave concern for the clients served by AMHI.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Pederson.

Representative PEDERSON: Mr. Speaker, Ladies and Gentlemen of the House: There is a slim possibility that this consortium will be able to stabilize what I consider to be a dangerous situation. But, if I were making a decision about what to do at AMHI, I would have made one a long time ago and I would not have made this particular decision. First, the consortium will cost in one day what it would cost to pay a superintendent top salary for a week. So, this is not a cost effective solution. In fact, it is quite the opposite.

Second, no one has ever adequately defined for me what this consortium will actually do. We did ask the consortium at the committee meetings what they hoped to accomplish. They did not specify exactly what they would do at AMHI or how they would rectify the situation or how much it will actually cost. I am not accustomed to being put in a position to pass legislation that is so vaguely described. All I know is that we are making \$150,000 available to some people to do something.

Third, this is not a solution to the problems at Augusta's Mental Health Institute. We are being offered a band-aid -- this contract lasts only up to 120 days. What can be accomplished in that time? Will a superintendent be hired who will have different ideas about what should be done at AMHI? Will that person, when he or she is finally hired, start all over again once the consortium disbands? Or does this bill really open a back door to hiring a superintendent, meaning that Mr. Thompson will continue at Augusta Mental Health Institute once the consortium disbands? What are we buying and why are we buying it? I am glad the Governor has recognized the magnitude of the problem at AMHI. However, it took him too long, it is extremely undefined, expensive and, in my estimation, unlikely to make a whole lot of difference at AMHI.

There is still no permanent solution in sight, there is still no funding request for AMHI, there is still no clear plan for improvement. So, I have a lot of problems in supporting this legislation and I hope that maybe everybody here might think twice before they vote for something that perhaps won't be a solution.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: As a member of the committee, I, too, have supported this bill up to this point. I do want to put on the Record my reservations in regards to this plan.

I will say at the onset that, if this was a step in the wrong direction, I would have no problem whether it is the administration's proposal or not, in not supporting it. I do believe it is a small step in the right direction but I think that step is so small that the movement is hardly noticeable.

This administration has come to the point where they have lost certification all along in a variety of areas. This legislature responded with providing them positions in a variety of locations, mental health workers, clerical, nursing positions, more than what they requested in an attempt to assist the department and to the administration to regain certification in those areas.

It is a sad commentary on this administration's state of mind currently to ask for this institution to be run by an outside governing body. I would hope that we would remember that the history of this program was not to be a health consortium of five hospitals. This original request was for one hospital to run AMHI. Can you imagine being the CEO of Maine Medical Center and sitting at home and watching your television set and watching the Governor come on board and say your institution is going to run AMHI? It is an unfathomable thought to me to be in that position. Being a good public servant as a CEO of a hospital in a community and also being responsive to a Governor, they didn't say no out of hand, but wanted to deal with that issue. They came with what was really the best package for them and that was, we need a consortium of a number of hospitals so that we have resources to fall back on. The administration said, "Okay, we agree with that." They said, "We need to be fully covered under the Maine Tort Claims Law." An unprecedented action, the administration had no choice, "Sure we will go along with that. We want monies up front to pay for our services, but we are not going to tell you what those services are up front." Administration again, up against a wall. "Okay, we will go along with that." I think it is really a very poor decision on this administration's part to take this kind of action when clearly there were many other decisions that could have been made early on in the process that were not.

When the spokesman for the Governor was asked by members of our committee, including myself, as to why a consortium was the route taken, it was said to us, "This was a response to the recent clusters of deaths at AMHI and this was an executive action." Unfortunately, we had deaths prior to that and there was no sufficient action taken then. We had loss of certification at AMHI, there was no sufficient action taken then. Now, we have a recent cluster of deaths, this is not a sufficient response to the problem. It is, however, a step in the right direction, as small as it is. That is why the committee has chosen to go along with it. We can't administer that facility. The Governor has to do that. That is the Governor's responsibility and the Governor has made very clear his position. He says the administration can't govern it either. That is why we have the Health Consortium today.

So, it is with a heavy heart that I support this proposal but I would hope that this is not the beginning of the end. This should be one small piece in a very large effort by this administration to turn around, not only AMHI, but BMHI and every institution in this state where this Governor is responsible for

the patients and clients within those institutions and not just pass on the issue of care of those patients and the political fallout for improper decisions whether made by this administration or previous ones.

I would urge you to support the measure today but do it with the understanding that this issue is not dead and that it should be before each one of us every day that we sit in this chamber until the rest of the session is over.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: As Representative Rolde had mentioned, this bill represents an unprecedented move by the legislature. We have an unprecedented problem at AMHI because of the many, many years of neglect. I believe we are moving toward a creative solution to a long-term problem by bringing in an outside management team. I urge your support of this bill. Let's move AMHI out of the political arena.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The democratic party and the legislators in the democratic caucus have not made this a political arena. We have tried to work with this administration. We have tried to work with this administration since January. They have not cooperated at all. They have not cooperated in the oversight committee. We have had members of the oversight committee meeting with the commissioner before the oversight committee. Those members happen to be on the republican side of the aisle, not on the democratic side of the aisle. We have an administration who knew there were problems at AMHI but, two years ago, asked to have a four percent cut, that wasn't a democratic proposal, that was a republican proposal. We have an administration that took out \$8 million dealing with the Part II budget that dealt with the community. Is that a way to solve AMHI's problem? No, it is not.

We have an administration that asked us to put money into the budget back in September. When did the diversion program get going? It didn't get going on February 1st like they said it would, it got going late in March. I resent the fact that people in this body say that the democratic party is making it a political issue. I have sat on that committee for nine years and I have never made mental health a political issue. It is about time that this Governor (I hope he is listening) understands the problems of what is going on at AMHI. I hope he comes back with a Part II budget because that is the problem. We have got to start dealing with the Part II budget and we have got to put more money in the communities and it was he who said to the commissioner "Cut \$8 million out of the Part II budget." Everybody who deals with it, whether it is a democrat or republican, understands the problems. You have got to build up the community. It is about time that they start realizing we are here to help and not hurt them. Mental health does not have a label on it that is democrat or republican. It is about time that the republican party and the Governor of this state understands that, we are here to help. To say that there was neglect over there when Governor Brennan ran that institution, did we have JCH in trouble? No. Did we lose Medicare? No, because everybody, everybody, both sides of the aisle, helped every time there was a problem at AMHI or BMHI.

I just hope that this body understands that we are not in here to fight. We want to help the

situation, let's not start throwing accusations that previous administrations were just as bad.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: As you probably detected, I have to admit that this is probably one of the strangest unanimous reports I have been on. I just wanted to point out that one of the big advantages of going with this consortium is that we have Maine-based hospitals dealing with AMHI. We are not bringing in out-of-state outfits, we are dealing with our community hospitals that we deal with every day. We feel by pooling these five hospitals, we can get a tremendous injection of expertise and knowledge into the operations at AMHI.

I urge that you vote yes and I request a roll call.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, I would like to pose a question through the Chair.

If this plan is not implemented here today, does the committee have a backup plan so we know what direction we are going in?

The SPEAKER: Representative DiPietro of South Portland has posed a question through the Chair to any member of the Committee who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The oversight committee will be meeting, we have extended that invitation. It is the Governor of the State of Maine who runs the institution, not the legislature. He would have to come up with another proposal. I might add that his commissioner, when the former superintendent was either retired, quit or resigned back the first week in January, her proposal to have a full-time superintendent on that campus, was six months. After what happened there last year and what happened at that particular time in January, why it would take six months to bring somebody on board was a question that many of us on the oversight committee wondered. But we cannot force the Governor of this state to put a superintendent on board over there. We can only give him the resources to do that. It would be up to him to come up with another plan. Quite frankly, at this stage of the game, I think it is the only plan in town. Although we are reluctant because we don't like the idea, at least he has made an effort to realize that there is a crisis over there and he is trying to do something.

So, I would hope that this body would go along with this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am a republican and I am concerned about mental health, whether it is at AMHI or some of the children out there that we have. I think we all know, those of us who have been here for awhile, that the problems at AMHI are not democrat or republican. They were there when Governor Brennan was here.

I remember when the little girl was murdered over there and her parents brought a law suit before our committee. At that time, it was suggested that maybe we should do an investigation of AMHI because of the problems. That bill never saw the Legal Affairs Committee again. It was taken to Brennan's office and settled. So, I think we all know that it is not

just Republican Governor McKernan, it has been there for a long time. I resent the fact that I was told here this morning that it was the republicans who caused this problem, we know that is not true.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond just very briefly to the remarks of the good Representative from Berwick because I happened to have chaired the subcommittee of the Committee on Judiciary which looked into the murder of Sharon Taylor of Augusta in the area of the Pine Tree Arboretum. The Brennan Administration responded forthrightly to the recommendation of the subcommittee. The legislature, the Appropriations Committee in particular, appropriated some \$2 million in 1986 to expand a forensic unit at AMHI to provide for greater security and added beds in a more secure manner to the entire facility. Those recommendations were made by Commissioner Concannon to our subcommittee, they were brought forward to the Appropriations Committee and they were dealt with in a unanimous venture. There was no taint of partisanship in the affairs at AMHI at that time. It is sad, as an Augusta legislator, not as Chairman of the Judiciary Committee, to read my paper every morning and to hear my Chief Executive say, but remember, if Representative Manning or Senator Gauvreau, Speaker Martin or President Pray were not making comments about this, there would not be a partisan issue. To say that the legislature has no right as public officials to make judgments, to make qualified statements regarding the situation as it exists, is totally irresponsible, in my opinion.

To vote on this bill and some of us may not vote on this bill for what it contains, and of those who do vote on this bill have to endorse what the emergency preamble says and in particular the State of Maine is unable at present to find a suitable person to be appointed as superintendent of the Augusta Mental Health Institute. To say that anyone who voted for this bill, and maybe it is needed, but it is certainly an advocacy on the administration's part that they can no longer deal with the situation, that they have to go outside.

I don't blame that consortium for asking for total immunity, I don't think there is any group of individuals who would take on the problems that they know exist and the administration knows exists without saying, we will not be responsible for the conditions over there at this time. I think they are correct in requesting this type of legislation but the question still remains, however, that the Bureau of Mental Health and the administration can no longer deal with the situation as it is. When we first became aware of the situation, the sun was just beginning to rise a little higher in the sky that last week of December of 1988 and now we approach the summer solstice, the sun will have come around completely on this administration's solution or lack thereof to the Augusta Mental Health Institution.

As an Augusta legislator, I would like to make one other point. The employees at AMHI, the loyal, dedicated employees who work day in and day out, weekends and holidays are not to blame for that situation over there. It is the management team, all of them, whether they are at AMHI or on the State Office Building floor, they are to blame for the situation and the crisis, not the mental health workers, not the dedicated classified employees that work shifts and double shifts because of the lack of management. Those people deserve our credit and our

respect every day of our lives for the work they have to do and the conditions they have to do it in.

I hope that is the last we will ever hear of these problems because these problems go back 30 to 40 years, so on and so forth, because the good Representative from Portland is correct -- that any time a Commissioner has come in, whether it be Commissioner Concannon or other commissioners, this legislature and others have always given them what they have requested and even a little bit more.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, I would like to pose a question. Could you tell me if there is a fiscal note attached to this? If there isn't, could we be given figures as to what the actual cost will be and where the monies will come from?

The SPEAKER: The Chair would advise the Representative from Rockland, Representative Melendy, that the money will be coming from the Governor's Contingency Account and, therefore, a fiscal note is not required.

It is obvious that on July 1st, the Governor's Account would then be replenished from the surplus as the surplus moves from one direction to the other.

Representative MELENDY: Mr. Speaker, a further question if I may, could you tell us what the cap would be on the total cost of this within his Contingency Account?

The SPEAKER: The Chair would advise the Representative that it is not included in the bill but the Chair's recollection from what he had been told was \$150,000.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of the members present and voting is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 41

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Bell, Boutilier, Burke, Butland, Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pendleton, Pines, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Seavey, Sheltra, Sherburne, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Anthony, Brewer, Carroll, D.; Conley, Handy, Mahany, Marston, Melendy, Paradis, P.; Pederson, Pineau, Plourde.

ABSENT - Allen, Graham, LaPointe, Ruhlin, Rydell, Simpson.

Yes, 132; No, 12; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

132 having voted in the affirmative and 12 in the negative with 6 being absent and 1 vacant, L.D. 1660 was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) which was tabled earlier in the day and later today assigned pending reconsideration (Returned by the Governor without his approval).

Representative Gwadosky of Fairfield moved that L.D. 718 be tabled one legislative day.

The SPEAKER: In order for this to be tabled, it requires that the rules be suspended. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Higgins of Scarborough requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is suspension of the rules. This requires a two-thirds vote of all members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 42

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Lisnik, Luther, Macomber, Mahany, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rolde, Rotondi, Sheltra, Skoglund, Smith, Stevens, P.; Stevenson, Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, Hutchins, Jackson, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Strout, B.; Strout, D.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Allen, Clark, M.; Graham, Hichborn, LaPointe, Manning, Ridley, Ruhlin, Rydell, Simpson.

Yes, 90; No, 50; Absent, 10; Vacant, 1; Paired, 0; Excused, 0.

90 having voted in the affirmative and 50 in the negative with 10 being absent and 1 vacant, the rules were not suspended.

On motion of Representative Martin of Eagle Lake, Recessed until three-thirty in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) which was being taken up at the time of recess.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I move that this bill be recommitted to the Committee on Energy and Natural Resources.

It appears that the Governor of this state by his recent press statements would like to have the opportunity to present legislation dealing with this very important issue, an issue that has divided members of this House and people of this state for some time now. I think in lieu of that, that the only prudent course to take at this time is to put this particular bill back into the Committee of Energy and Natural Resources and allow the Governor of this state to prove what he said he would like to do and submit legislation to deal with this crucial problem. That is exactly what this motion would accomplish.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Men and Women of the House: I applaud that motion and I think all of us are very anxious to see that there be legislation this session that deals with color in the rivers and I hope that we can send this back to the Committee and address that question.

Subsequently, the Bill was recommitted to the Committee on Energy and Natural Resources and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Gwadosky of Fairfield, Adjourned until Wednesday, May 24, 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 23, 1989

Senate called to Order by the President.

Prayer by Reverend Pat MacHugh of the Methodist Church in Corinna.

REVEREND MACHUGH: Let's be in the spirit of prayer. O God of great compassion, God of justice, we come to You with hopeful and trusting hearts. In our spoken words and in our deepest thoughts, we lift up to You the needs of ourselves and the people of our state and our world.

We come to You, God, in many moods. Some of us could not wait to get here today; some of us just made it. Some of us know exactly why we have come; others are not sure. Yet, we are all here. We remember before You all that has made life good in recent days. The love of family and friends, the satisfaction of work completed, and the sweetness of rest. For any and all things which make us glad to be alive, we rejoice!

We remember also the people who do not or cannot share in our rejoicing, the lonely, the sick, those imprisoned or at war, the poor and the desperate. For our sisters and brothers facing any distress, we pray Your strength and peace will find and sustain them. We come before You with humble appreciation that Your power is expressed towards us in a mighty love.

We are grateful for this opportunity of service and for the courage and insights of our forebears who cared enough to speak up and speak out for what they believed to be the best ways to return Your love and act upon it. We pray for the strength in ourselves to protest when that is called for, and to keep silence when that, too, serves Your will.

As we enter this time, O God, we open ourselves to Your discipline and guidance. We call upon You to form us in Your image, that we might act in spirit and in truth. Be present as we work in Your name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish a Process for the Deorganization of Municipalities and Plantations" (Emergency)

H.P. 223 L.D. 303
(C "A" H-167)

In Senate, May 15, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167) AS AMENDED BY HOUSE AMENDMENT "A" (H-238), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Demonstrate Primary Prevention through Youth and Elderly Community Services"

H.P. 1207 L.D. 1679