

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

project would have to require a comparable investment of time and effort by the student.

We heard a great deal of testimony and this was one Bill that we received a tremendous volume of information on from the public supporting the Bill. It applies only to elementary and secondary schools. In the Bill, there is also an establishment of a biological dissection option through the Department, which will be able to accept donations of alternative educational projects that could be used in place of the actual dissection.

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

Senate As Amended

Bill "An Act to Establish a Comprehensive Service Delivery System for Persons with Head Injuries"

S.P. 350 L.D. 927
(C "A" S-211)

Bill "An Act to Amend the Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates" (Emergency)

S.P. 487 L.D. 1329
(C "A" S-210)

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

Sent down for concurrence.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Wednesday, June 7, 1989, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
78th Legislative Day
Wednesday, June 7, 1989

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

Prayer by Reverend James Blanchette, Capehart Community Church, Bangor.

The Journal of Tuesday, June 6, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 6, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of David Maass of Winslow for appointment to the Commission on Biotechnology and Genetic Engineering.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide a Sales Tax Exemption to Child Abuse and Neglect Councils" (S.P. 206) (L.D. 484)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Allow Disabled People to Receive Rent Rebates" (S.P. 256) (L.D. 646)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Exempt Ski Resorts from Sales Tax on Fuel or Electricity Used in Snowmaking Operations" (S.P. 259) (L.D. 649)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Include Sod Within the Definition of Agricultural Production for Sales Tax Purposes" (S.P. 321) (L.D. 858)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Clarify Tax Exempt Status of Certain Hospital Affiliates and Nonprofit Ambulance Corporations with Respect to State Sales Tax" (S.P. 384) (L.D. 1020)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Exempt from the Maine Sales Tax Purchases of Goods and Services by Scouting Organizations" (EMERGENCY) (S.P. 413) (L.D. 1079)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to Taxation of Printing Services" (S.P. 424) (L.D. 1135)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Freeze Property Taxes of People Over the Age of 65" (S.P. 429) (L.D. 1140)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Concerning the Sales and Use Tax Exemption Provided To Nonprofit Ambulance Services and Fire Departments" (S.P. 473) (L.D. 1270)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Return a Portion of Locally Generated Sales Taxes" (S.P. 489) (L.D. 1331)

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 Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-202) on Bill "An Act to Allow the Maine Potato Board and the Maine Blueberry Commission to Retain Interest on the Cash Balance of Tax Funds" (S.P. 326) (L.D. 863)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-202).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-202) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 8, 1989.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Mandate the Use of Seat Belts" (S.P. 491) (L.D. 1333)

Signed:

Senator: TWITCHELL of Oxford

Representatives: HALE of Sanford
BAILEY of Farmington
HICHBORN of LaGrange
STROUT of Corinth
MOHOLLAND of Princeton
MARTIN of Van Buren
HUSSEY of Milo

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-212) on same Bill.

Signed:

Senators: THERIAULT of Aroostook

Representatives: GOULD of Waldo
MACOMBER of South Portland
MCPHERSON of Eliot
MILLS of Bethel

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-212)

Reports were read.

Representative Moholland of Princeton moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, June 8, 1989.

Non-Concurrent Matter

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) on which the House insisted on its former action whereby the RESOLUTION was passed to be engrossed as amended by House Amendment "A" (H-279) in the House on June 5, 1989.

Came from the Senate with that Body having insisted on its former action whereby the RESOLUTION was passed to be engrossed as amended by House Amendment "A" (H-279) as amended by Senate Amendment

"A" (S-191) thereto and asked for a Committee of Conference in non-concurrence.

On motion of Representative Mahany of Easton, the House voted to Insist and join in the Committee of Conference.

Non-Concurrent Matter

Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (EMERGENCY) (H.P. 152) (L.D. 204) which was passed to be engrossed as amended by Committee Amendment "A" (H-312) in the House on May 31, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-312) as amended by Senate Amendment "A" (S-217) thereto in non-concurrence.

The House voted to recede and concur.

ORDERS

On motion of Representative NADEAU of Lewiston, the following Joint Order: (H.P. 1236) (Cosponsors: Senator DUTREMBLE of York, Speaker MARTIN of Eagle Lake, President PRAY of Penobscot)

WHEREAS, the Federal Government has substantially reduced its efforts to provide the citizens of this country with decent, safe, and affordable housing; and

WHEREAS, nationwide there is a serious shortage of affordable housing for lower and moderate income households; and

WHEREAS, between 1970 and 1986, home prices in Maine increased 492% while income rose only 181%; and

WHEREAS, between 1970 and 1986, median rents increased 334% while income rose only 181%; and

WHEREAS, the failure of income to keep pace with the increased cost of housing has created a shortage of affordable housing in Maine; and

WHEREAS, Maine has been a leader among the states in the development of creative solutions to the affordable housing crisis; and

WHEREAS, Maine once again has developed bold and innovative proposals designed to coordinate and target the resources and efforts of the public and private sectors to address the affordable housing crisis; and

WHEREAS, organizations involved in addressing the affordable housing crisis will be represented at the State House on Wednesday, June 7, 1989, to provide Legislators and the public with information on their efforts; and

WHEREAS, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Housing and Economic Development will jointly hear bills on June 7, 1989, to finance the Affordable Housing Partnership Act of 1989, now, therefore, be it

Ordered, the Senate concurring, that Wednesday, June 7, 1989, be declared "Affordable Housing Day," and all Legislators and the public are invited to attend and participate in the events and affairs of the day.

Was read, passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bill was received and, upon the recommendation of the Committee on Reference of

Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,110,600 for the Maine Vocational-Technical Institute System" (H.P. 1235) (L.D. 1727) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative LISNIK of Presque Isle, Representative CARTER of Winslow 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.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SEAVEY from the Committee on Taxation on Bill "An Act To Make Benefits Under the Household Tax and Rent Refund Program More Accessible" (EMERGENCY) (H.P. 775) (L.D. 1087) reporting "Ought Not to Pass"

Representative SWAZEY from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the State to Pay Property Taxes on State-owned Property (H.P. 851) (L.D. 1183) reporting "Ought Not to Pass"

Representative SEAVEY from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing for Variation in Property Tax Valuations (H.P. 581) (L.D. 785) reporting "Ought Not to Pass"

Representative HOGLUND from the Committee on Energy and Natural Resources on Bill "An Act to Prohibit Possession of Improperly Labeled Beverage Containers" (H.P. 1029) (L.D. 1435) 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 SEAVEY from the Committee on Taxation on Bill "An Act to Exclude Public Pension Payments to Persons 65 Years of Age and Older from Taxable Income" (H.P. 835) (L.D. 1167) reporting "Leave to Withdraw"

Representative SEAVEY from the Committee on Taxation on Bill "An Act to Amend the Open Space Laws" (H.P. 1110) (L.D. 1543) reporting "Leave to Withdraw"

Representative RUHLIN from the Committee on Labor on Bill "An Act to Eliminate the Dual Minimum Wage Scheme" (H.P. 1208) (L.D. 1680) reporting "Leave to Withdraw"

Representative McSWEENEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide an Opportunity to Claim Medical Benefits for Persons Previously Covered under a Spouse's Policy" (H.P. 1128) (L.D. 1571) reporting "Leave to Withdraw"

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

**Refer to the Committee on Judiciary
Later Today Assigned**

Representative McHENRY from the Committee on Labor on Bill "An Act to Increase the Priority of Wage Claims Against Insolvent Employers" (H.P. 998) (L.D. 1387) reporting that it be referred to the Committee on Judiciary.

Report was read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of the Committee Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1042) (L.D. 1453) Resolve, to Provide Respite Care Services for Families of the Mentally Ill Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-395)

(H.P. 1007) (L.D. 1405) Bill "An Act to Amend the Laws Relating to Small Claims" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-396)

(H.P. 961) (L.D. 1339) Bill "An Act to Require Municipalities to Leave the Names of Women Who Marry on Voting Registration Records" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-397)

(H.P. 794) (L.D. 1106) Bill "An Act to Allow Municipal Clerks to Inspect Blank Ballots Prior to Election Day" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-398)

(H.P. 813) (L.D. 1125) Bill "An Act to Amend the Natural Resources Protection Act" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-399)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, June 8, 1989, under the listing of Second Day.

(H.P. 716) (L.D. 977) Bill "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (EMERGENCY) Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-400)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-400) was read by the Clerk and adopted and the Bill assigned for Second reading Thursday, June 8, 1989.

(H.P. 225) (L.D. 305) Bill "An Act Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-404)

(H.P. 1055) (L.D. 1477) Resolve, Concerning Africanized Bees Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-405)

(S.P. 398) (L.D. 1042) Bill "An Act to Clarify the Law Governing Prelitigation Screening Panels" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass"

(S.P. 169) (L.D. 326) Bill "An Act to Increase the State Share of Education Funding and to Increase the Minimum State Allocation" Committee on

Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-209)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, June 8, 1989, under the listing of Second Day.

(S.P. 267) (L.D. 695) Bill "An Act Regarding the Exclusion of Family Members under a Motor Vehicle Liability Insurance Policy" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-206)

On motion of Representative Marsano of Belfast, was removed from the Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-206) was read by the Clerk.

Representative Marsano of Belfast moved that Committee Amendment "A" be indefinitely postponed.

On motion of Representative Allen of Washington, tabled pending the motion of Representative Marsano of Belfast that Committee Amendment "A" be indefinitely postponed and later today assigned.

(S.P. 461) (L.D. 1246) Bill "An Act to Amend the Law Governing the State Capitol Commission" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-198)

(S.P. 520) (L.D. 1427) Bill "An Act to Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-203)

(S.P. 552) (L.D. 1555) Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-204)

(S.P. 350) (L.D. 927) Bill "An Act to Establish a Comprehensive Service Delivery System for Persons with Head Injuries" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-211)

(S.P. 487) (L.D. 1329) Bill "An Act to Amend the Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-210)

(H.P. 1122) (L.D. 1554) Bill "An Act to Revise the Communicable Disease Law" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408)

(H.P. 1218) (L.D. 1690) Bill "An Act Relating to Periodic Justification of Programs of State Government under the Maine Sunset Laws" (EMERGENCY) Committee on Audit and Program Review reporting "Ought to Pass" as amended by Committee Amendment "A" (H-412)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, June 8, 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. 616) (L.D. 839) Bill "An Act to Appropriate Funds for Advocacy Activities for Severe and Prolonged Mentally Ill Persons" (C. "A" H-390)

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

(H.P. 1032) (L.D. 1438) Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (C. "A" H-391)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-391) was read by the Clerk and adopted and the Bill assigned for Second Reading Thursday, June 8, 1989.

(S.P. 90) (L.D. 95) Bill "An Act to Provide a Secure Treatment Facility at the Maine Youth Center"

(S.P. 533) (L.D. 1468) Bill "An Act to Prohibit the Irradiation Within the State of Food for Human or Animal Consumption"

(S.P. 316) (L.D. 821) Bill "An Act Providing for the 1989 Amendments Pertaining to the Finance Authority of Maine Act" (C. "A" S-195)

(S.P. 344) (L.D. 914) Bill "An Act to Increase the Family Allowance under the Unemployment Compensation Law" (C. "A" S-194)

(S.P. 501) (L.D. 1375) Bill "An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat" (C. "A" S-192)

(S.P. 535) (L.D. 1470) Bill "An Act to Expand the Health Occupations Training Project" (C. "A" S-189)

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.

(H.P. 1024) (L.D. 1425) Bill "An Act to Establish the Child Welfare Advisory Committee and to Redesignate the Bureau of Social Services as the Bureau of Child and Family Services" (C. "A" H-393)

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

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-393) was read by the Clerk and adopted and the Bill assigned for Second Reading Thursday, June 8, 1989.

(H.P. 1087) (L.D. 1509) Bill "An Act to Provide Flexibility in the Laws on Residential Placement of Young Adults" (C. "A" H-392)

(H.P. 884) (L.D. 1228) Bill "An Act to Clarify the Authority of Personal Care Assistants under the Supervision of Persons in a Consumer-directed Services Program" (C. "A" H-394)

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.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act Relating to the Reemployment of Injured Workers Under the Workers' Compensation Act" (S.P. 339) (L.D. 900) (C. "A" S-193)

Bill "An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations" (S.P. 314) (L.D. 819) (H. "A" H-401 to C. "A" S-187)

Bill "An Act to Facilitate the Establishment and Enforcement of Child Support and Health Insurance Obligations and to Clarify the Law Concerning the Modification of Child Support Orders" (H.P. 953) (L.D. 1321) (H. "A" H-402 to C. "A" H-385)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial (S.P. 154) (L.D. 274) (C. "A" S-161)

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

On motion of Representative Gwadodsky of Fairfield, tabled pending passage to be enacted and later today assigned.

ENACTOR

Emergency Measure

An Act to Create the Individual Income Tax Windfall Fund (S.P. 306) (L.D. 805) (H. "A" H-369 to C. "A" S-128)

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

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This L.D. had a lengthy debate in the House last week and I am sure you all remember the details of the bill. The report out of committee and the vote on this bill has been very partisan. I expressed some surprise last week that this was a partisan issue because I felt that the Maine Legislature and my colleagues who happen to be Republican have been led down a primrose lane on this issue long enough by the Administration.

The Administration opposes this bill and the reason they give us is because the Administration has had the revenue flow issue well in hand and that this bill isn't needed. Let me tell you, the latest event in the two year comedy of errors that we call revenue projections from the second floor is that the income tax collections for the month of May (the individual income tax collection) exceeded estimates by \$35 million. We just spent \$94,000 for outside consulting services in an attempt to straighten out the income tax mess that we have gotten ourselves into. Why did we have to spend that money? Because it was the only way that we could get a straight answer. It was the only way that we could get accurate data. It was the only way that we could overcome the incompetency and mismanagement of revenue projections that we have been faced with. To add insult to injury, yesterday we had a circus type performance announcing reduced sales tax estimates. Lo and behold, we find that same all pervasive

incompetency has apparently infected the process by which we project sales tax revenues.

The Governor, who has such a handle on revenue projecting, stated yesterday that sales tax revenues, even though they are running about 7 percent ahead of last year's record breaking year, are running behind his projections by some \$106 million. Because the Governor chose not to inform the legislature and the public of the magnitude of this sales tax problem until two weeks before the scheduled end of the session, even though he knew about it in February by his own admission, we may wind up being here after June 21st at a cost to the taxpayers of \$30,000 a day, despite our best efforts to deal with this manufactured crisis quickly.

I said earlier we just spent \$94,000 to straighten out the mess caused by incompetency in revenue projections in the income tax — that figure will pale by comparison to what we are probably going to have to spend in extra days in session because the Governor chose to hold off this announcement until two weeks before we adjourn.

Certainly if you didn't think this bill was necessary last week, the events of the past two days point out very clearly the necessity of this bill. If these problems are going to be dealt with, they will have to be dealt with by the legislature. We are going to have to have money to do it.

This bill does nothing more than take money that is already collected, that is not a matter of the budget, that is not in the budget right now, but sets it aside to deal with this problem rather than leaving it up to the revenue forecasting of the second floor which is farcical.

I urge this House to pass this bill. Mr. Speaker, I would request that when the vote is taken, it be taken by the yeas and nays.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: There were a few words which the Chairman of the Taxation Committee just spoke that I agree with. However, I will have to take them out of context. He said at the beginning of one of his sentences (and I will stop in the middle of the sentence) "This bill does nothing....." Then he added a few words beyond there — I will stop that sentence and simply say, "This bill does nothing."

This bill does not solve problems. This bill only further adds to the confusion. I certainly will not stand here and pretend that there is not confusion dealing with income tax. I would suggest that maybe the reason we are getting this information now is that we are trying to provide materials to this legislature and to provide facts to this legislature based on the most recent information relative to sales tax and to income tax and that we are not trying to live by projections, which everyone admits have been faulty in the past.

I think this bill today is most inappropriate pending the revisions in the budget estimates that we on Taxation and we on Appropriations heard yesterday. Some of the sponsors of this bill said this money could be used for property tax relief, yet the title of it says it is an income tax fund. The fund does not contain enough money to sufficiently cover the windfall that has been generally agreed upon, although that figure isn't agreed upon by either party, this bill simply adds to the confusion.

I would urge this body to vote against enactment and prevent passage of further legislation that does nothing.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased this morning to stand up after the comments made by the Representative from Waldo because that is specifically where I want to be in my remarks.

On May 23, 1989, he was making a few comments about illusions and I stood up on May 25, 1989 and said, let's talk about reality. Today, I want to maintain talking about reality.

As my chairman mentioned a few minutes ago in so many words, if this thing weren't so gosh darned serious, it would be comedy. Apparently, the gentleman who constitutionally has the power, the only power, to create revenue estimates has had a real hard time with the accuracy of those estimates. However, we have no choice in the matter, he created the revenue estimates, we have got to live with them.

Yesterday, the Appropriations Committee and subsequent to that, the Taxation Committee, and subsequent to that, the general public, was briefed on our financial picture for this year.

I would just like to refresh everybody's memory by saying that last year at one time, the income tax estimates were for a \$9 million over-collection. That soon grew to be a \$16 million over-collection. That grew to \$30 million over-collection. Rod Scribner, the State Auditor said, "I don't know, it looks more like \$60 million to me." Peat, Marwick & Main, after we hired them to do an analysis on exactly what the fiscal situation looked like said, \$59.9 million in over-collections. That is pretty darn close to \$60 million.

The Administration had been holding firm to their belief that \$30 million was all we over-collected and with the rebates they were convinced that that had taken care of the problem. We now know that that was in error. In the Special Session of late October of last year, the members of the Taxation Committee proposed to take care of that income tax problem with certain recommendations where we talked in terms of "Let's beef up the personal exemptions to exactly what the federal deduction is" -- that is one option we can do and we were talking in terms of \$1,950 per dependent. We talked about different mechanisms on the scale, the 2,4,6 & 8, different variations on that. The Governor very specifically told us that there wasn't any room for compromise here, it is my package or you guys are looking at a veto. We didn't have much choice in that either.

We accepted a package which we weren't quite convinced was a perfect compromise but we voted for it anyway and we decided that we were going to return \$43 million to the people of Maine. We have done that. So your constituents and my constituents got sold down the river to the tune of somewhere between \$18 and \$20 million last year. I suspect that everybody had a few phone calls relating to that.

This year we ran into revenue estimates which projected a surplus of \$96 million. Everybody said, "Hey, this is really great." When the Chief Executive officer of this state gave his State of the State address on his budgetary priorities on January 26, 1989, he incorporated that \$96 million into his budget so basically what we had was a surplus one minute and no surplus the next minute. It was a disappearing act, one of those you might see from David Copperfield. We are now at the point of seriously questioning the accuracy of the estimates that come out of that office.

What L.D. 805 is proposing to do, as Representative Cashman mentioned a couple of weeks ago, is reinstate that windfall account. When Representative Whitcomb alluded to the fact that some of us wanted to take that over-collection money and

do some property tax stuff with it, I am not really sure where he got that, because I think to a person we are all committed to keeping income tax related issues separate. We are now looking at what could potentially be a \$40 million proposition on the income tax per se.

All this bill is doing is saying, once we have identified a nickel here, a dime there, a couple of million here -- let's identify it and put it in this escrow account. Then when we finally know exactly what we are doing, when we finally decide on what procedure we are going to go with, then we will use that money for that program, nothing else. That's basically the long and short of it. That is a chronology as brief as I could put it of the last two years.

With those things in mind, I really urge you to strongly consider passing this bill.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano

Representative MARSANO: Mr. Speaker, Men and Women of the House: It is difficult for me to believe, after listening to the gentleman from the other side of the aisle, actually one of them is on what we think of as our side, but it is quite clear from his comments that he is really on the other side of the aisle, that this is not the same kind of bipartisan approach that I guess we all hoped would occur with respect to taxation. It seems to be another attempt, especially by the gentleman from Old Town, to pick on the Administration.

The simple truth is we have always used the same kind of information to plan our government and I recognize that most of you have more experience here than I do, but we have always done it with the best information that was available. I thought that the sharing that took place yesterday of the information made it clear that there are some needs to be changed and that is why this bill continues to be a bad idea. It is a bad idea and it should not be adopted by this House, it should be rejected. I hope that you will vote against this bill because it is a bad idea.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: We have just heard about being on one side or the other side of the aisle -- I would just like to mention what it is like to have been on the Taxation Committee for the last couple of years and getting the erroneous information that we have been getting. It appears to us that the Administration is using hand calculators and crystal balls. We don't seem to get the same information this week that we had last week and we don't project this week what we projected last week.

I offer to you that we should put this money aside for the people who paid in. There are complaints out there and they are waiting for us to take care of the income situation. In the meantime, we should do what we promised to do and set the money aside for the people who paid it.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise in response to the comments from the good gentleman from Belfast, Representative Marsano. I am kind of amazed that we have lowered to a point where we simply have to stand up and characterize the bill as a bad idea and not provide any substance of why we should vote against it, simply because it is a bad idea.

I happen to think it is a good idea and I will tell you why. It is a good idea, ladies and

gentlemen, because we have a mess in income taxes. We have a mess in our fiscal house generally as was proven yesterday. In order to put our fiscal house in order and in order to correct our income tax problem, we are going to need some state resources. This bill allocates and separates our surplus in the state income tax collections, sets them aside and allows us to correct the problem. That is simple, that is clear, it is not a bad idea, it is good government and we should pass it.

I urge you to vote in favor of the motion.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I wish to briefly stand and respond to a couple of the questions that have come from the good gentleman from Saco who took pleasure in following my comments and asked that I clarify a couple of points as to who suggested that this money may in fact not be intended for income tax refunds. I repeat as I do in the comments from the previous time that we debated the subject and are in the Record that it was the sponsors of the bill in response to my questions at that time who said that they were considering using this money for other purposes of state government if it was deemed necessary.

Again, I urge this House to consider why it would want to pass this legislation that does not solve a single one of the problems that the Representative from Saco or other speakers have listed (and with some accuracy) that occur with our tax situation.

The suggestion was made that this fund is somehow a collection of nickels and dimes, and I assume millions along the way, that somebody will put in a fund, and not clearly defined as to who, perhaps the Taxation Committee, and that it will be used to solve a problem. I don't think even the sponsors would be willing to stand today and suggest that this bill solves a problem. In fact, to follow up on the good gentleman from Thomaston who suggests that we have a mess, and we may agree or disagree to the extent of the mess, but this doesn't clean up any messes. So therefore, I urge the body to reject the issue before us and vote no on enactment.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: We can talk about kinds of eventualities about what will happen with this money and what will not happen with this money but the clear fact remains, if there are not substantial resources set aside, we won't be able to fix the problem at all.

I urge this House to adopt the pending motion.

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

Representative HEPBURN: Mr. Speaker, Men and Women of the House: I don't have the privilege of serving on the Taxation Committee so this bill is not as completely clear to me as it is to some of the individuals who have spoken so far today.

I would just like to have an explanation from someone who serves on Taxation if I could as to exactly how this fund is to work? One of the important functions of any special fund we set aside is that it would be more difficult to expend those funds than it is from the General Fund. Exactly what kind of provisions are available in this bill -- I haven't seen any in reading the L.D. and perhaps there was some agreement that most of us are not aware of? I would like to have someone explain that if I could please?

The SPEAKER: The Representative from Skowhegan, Representative Hepburn, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in response to the gentleman's question. The purpose of the bill, as was stated last week and as we stated many times in the Taxation Committee, even though apparently some people didn't hear it, is to set money aside for the expressed purpose of funding the recommendations of the Peat, Marwick accounting firm to straighten out the state income tax. The estimate of expenditure for that proposal is \$44 million. The bill specifically takes about \$10 or \$11 million that has come in in personal income tax reduction overestimates since January as well as \$10 million that was set aside last Fall and puts it into this account to handle that problem.

A couple of points along that line. First of all, we talk about setting money aside so that it is not as easily spent as it might otherwise be and in the briefing that the Governor gave yesterday to leadership, Taxation and Appropriations, he has already spent the \$10 million we set aside last Fall, which we are attempting in this bill to use to pay for the income tax problem.

Two, he also increased the income tax projections by \$18 million in that same briefing which pretty much spends the other money that is in this bill.

One final point -- my good friend, Representative Whitcomb, mentioned that there isn't enough money in this bill, the \$21 million that I just mentioned to solve the problem, but again, to point out to the House, that the latest folly of the whole income tax projection process being performed by the Administration revealed yesterday for the month of May, was up \$35 million. So, we do have the money.

One final point while I am on my feet responding to the gentleman's question, my friend Representative Marsano said that we have always used this type of process -- he is right. I served here four years before the good Representative got here and I served under Governor Brennan and we used the forecasting process, Representative, but it was accurate back then. These days, it isn't.

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

Representative HEPBURN: Mr. Speaker, Men and Women of the House: I didn't quite get the real clear answer on that question, I think, so I guess I am just going to have to read what I think is the operative part of this particular bill. On Page 2 of the L.D., line 19, it says, "Expenditures from the fund, appropriations from the individual income tax windfall fund shall be made in the same manner as appropriations from the General Fund." The way I read this, if somehow the mood of the legislature was to spend this money in some other manner other than tax rebates, it could. All we are doing is creating another General Fund with no protection for the income taxpayers in the State of Maine. I don't see any point to this legislation so I would urge you to vote no.

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 elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 57

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutillier, Brewer, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoggund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Mahany, Manning, 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, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Burke, Foster, Jackson, Macomber, Seavey. Yes, 96; No, 49; Absent, 5; Vacant, 1; Paired, 0; Excused, 0.

96 having voted in the affirmative and 49 in the negative with 5 being absent and 1 vacant, L.D. 805 failed of enactment.

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Licensing of State Social Workers (S.P. 465) (L.D. 1250) (C. "A" S-178)

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. 135 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 Municipal Regulation of Shellfish Resources (S.P. 354) (L.D. 955) (H. "C" H-364 and S. "A" S-151 to C. "A" S-141)

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.

FINALLY PASSED
Emergency Measure

Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (S.P. 496) (L.D. 1370) (C. "A" S-185)

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. 128 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Tabled and Assigned

An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities (H.P. 341) (L.D. 460) (C. "A" H-297)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 8, 1989.

ENACTOR

(Reconsidered)

An Act to Require the Licensure of Ambulatory Surgical Facilities (H.P. 891) (L.D. 1235) (H. "A" H-315 to C. "A" H-289)

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

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1235 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-289) as amended by House Amendment "A" (H-315) thereto was adopted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted.

On motion of the same Representative, House Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-419) to Committee Amendment "A" (H-289) and moved its adoption.

House Amendment "B" (H-419) to Committee Amendment "A" (H-289) was read by the Clerk and adopted.

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

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

ENACTOR

Tabled and Assigned

An Act Concerning Pilferage of Shopping Carts and Bakery and Dairy Product Containers (H.P. 106) (L.D. 143) (H. "A" H-344 to C. "A" H-292)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 8, 1989.

ENACTOR

Tabled and Assigned

An Act to Reform the Maine Board of Professional Surveyors Law (H.P. 513) (L.D. 693) (H. "A" H-320 to C. "A" H-311)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 8, 1989.

PASSED TO BE ENACTED

An Act to Amend the Wrongful Death Laws to Encompass Associated Claims (S.P. 297) (L.D. 795) (C. "A" S-176)

An Act to Require Labeling of Produce Treated with Post-harvest Treatments (S.P. 340) (L.D. 901) (C. "A" S-173)

An Act to Increase Educational Opportunities for Economically and Educationally Disadvantaged Residents (S.P. 450) (L.D. 1212) (C. "A" S-174)

An Act to Amend the Charter of the Rangeley Water District (S.P. 528) (L.D. 1445) (C. "A" S-179)

An Act to Improve Regulatory Oversight of Health Maintenance Organizations (H.P. 205) (L.D. 285) (C. "A" H-259 and S. "A" S-197)

An Act to Protect Public Access to Intertidal and Submerged Lands (H.P. 415) (L.D. 558) (C. "A" H-331)

An Act Concerning Teacher Employment (H.P. 486) (L.D. 666) (H. "B" H-298 to C. "A" H-163)

An Act to Require Country of Origin Labeling on Fresh Produce (H.P. 591) (L.D. 809) (C. "A" H-329)

An Act to Allow the Consideration of Foreign Convictions in Drug Cases (H.P. 741) (L.D. 1024) (C. "A" H-335)

An Act to Provide a Fee Adjustment for Civil Process Servers (H.P. 781) (L.D. 1093) (C. "A" H-327)

An Act to Provide Final Price Disclosure to Potato Growers (H.P. 841) (L.D. 1173) (C. "A" H-330)

An Act Concerning the Rights of a Father to Bring a Paternity Action (H.P. 847) (L.D. 1179) (C. "A" H-326)

An Act to Regulate Water Flowage over Dams (H.P. 1086) (L.D. 1508) (C. "A" H-332)

An Act to Change the Listing Procedure on Town Warrants (H.P. 1132) (L.D. 1575)

An Act to Clarify Provisions of the Subdivision Law (H.P. 1159) (L.D. 1613) (C. "A" H-314 and S. "A" S-205)

An Act to Revise the Asbestos Certification Law (H.P. 1179) (L.D. 1634) (S. "A" S-196 to C. "A" H-300)

An Act to Amend the Maine Administrative Procedure Act (H.P. 883) (L.D. 1227) (C. "A" H-328)

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, Concerning Grant of Easement (S.P. 516) (L.D. 1412) (C. "A" S-181)

Resolve, to Study the Use of the Bangor Mental Health Institute Grounds for Open Space and Recreation (H.P. 981) (L.D. 1359) (C. "A" H-343)

Resolve, Authorizing and Directing the Bureau of Public Lands to Convey Title to a Certain Parcel of Land in Augusta to the Maine Veterans' Homes Subject to Certain Conditions (H.P. 1212) (L.D. 1684) (S. "A" S-208)

Resolve, Authorizing the Conveyance of Certain Public Lands (H.P. 1213) (L.D. 1685) (S. "A" S-207)

Were 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:

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-388) - Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-389)- Committee on Taxation on Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 776) (L.D. 1088)

TABLED - June 6, 1989 by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Cashman of Old Town, retabled pending the motion of the same Representative that the House accept the Majority "Ought to Pass" as amended Report and specially assigned for Thursday, June 8, 1989.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-380)- Committee on State and Local Government on Bill "An Act Concerning the Public Advocate" (H.P. 1070) (L.D. 1492)

TABLED - June 6, 1989 by Representative JOSEPH of Waterville.

PENDING - Motion of same Representative accept the Minority "Ought to Pass" as amended Report.

On motion of Representative Joseph of Waterville, tabled pending her motion that the House accept the Minority "Ought to Pass" as amended Report and specially assigned for Thursday, June 8, 1989.

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

An Act to Provide Dealership Protection to Farm Equipment and Machinery (S.P. 358) (L.D. 959) (C. "A" S-137 and S. "A" S-168)

TABLED - June 6, 1989 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

Subsequently, L.D. 959 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Establish the Medicaid Advisory Committee on Mental Health" (S.P. 467) (L.D. 1252) - In Senate, Passed to be engrossed as amended by Committee Amendment "A" (S-184)

TABLED - June 6, 1989 by Representative MANNING of Portland.

PENDING - Adoption of Committee Amendment "A" (S-184).

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" (S-184) and specially assigned for Thursday, June 8, 1989.

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

An Act Relating to Smoking in Nursing Homes and Boarding Care Facilities (H.P. 920) (L.D. 1286) (C. "A" H-288)

TABLED - June 6, 1989 by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, tabled pending passage to be enacted and specially assigned for Thursday, June 8, 1989.

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

In Senate Chamber
Wednesday
June 7, 1989

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

An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law (H.P. 446) (L.D. 611) (C. "A" H-265)

TABLED - June 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 8, 1989.

Senate called to Order by the President.

Prayer by the Honorable Edgar E. Erwin of Oxford.

SENATOR ERWIN: Let us pray. Our Father, be present at our Legislative meetings. May Thy spirit be among all that is said and done here today and during this Legislative Session. Let Thy blessings rest among the Houses, the Committee Chairmen, the Members of this Body, and all the loyal and dedicated staff, and in their work they may be guided by Thy spirit and a desire to plan for the good of all. May the pursuits of common aims bind the Membership together in genuine and warm companionship. Let harmony and good will prevail. Amen.

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

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) (C. "A" H-277)

- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-277) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence on May 26, 1989.

TABLED - June 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion to Recede and Concur.

On motion of Representative Carter of Winslow, the House voted to recede.

Senate Amendment "A" (S-169) to Committee Amendment "A" (H-277) was read.

On motion of Representative Carter of Winslow, Senate Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-420) to Committee Amendment "A" (H-277) and moved its adoption.

House Amendment "A" (H-420) to Committee Amendment "A" (H-277) 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.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015
(S "A" S-155 to C
"A" S-146)

In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to the Maine Commission on Mental Health" (Emergency)

S.P. 408 L.D. 1074
(C "A" S-166)

In Senate, May 31, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166) AS AMENDED BY HOUSE AMENDMENT "A" (H-387), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(Off Record Remarks)

On motion of Representative Handy of Lewiston, Adjourned until Thursday, June 8, 1989, at eight-thirty in the morning.

COMMUNICATIONS

The Following Communication: S.P. 634
114TH MAINE LEGISLATURE
June 5, 1989

Senator Zachary E. Matthews
Representative Charles R. Priest
Chairpersons
Joint Standing Committee on Legal Affairs
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Michael V. Rizzolo of Lewiston for appointment to the Maine State Lottery Commission.

Pursuant to Title 8, M.R.S.A. Section 352, this nomination will require review by the Joint Standing