

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

PASSED TO BE ENACTED

An Act to Amend the Maine Banking Code (S.P. 66) (L.D. 49)

Was 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

(H.P. 80) (L.D. 111) Resolve, to Name the Bridge over the Carrabassett River in North Anson the "Robert Garland Bridge" (C. "A" H-6)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve was 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:

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (S.P. 279) (L.D. 725)

- In Senate, Referred to the Committee on Appropriations and Financial Affairs.

TABLED - March 14, 1989 by Representative CARTER of Winslow.

PENDING - Reference in concurrence.

Subsequently, L.D. 725 was indefinitely postponed in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Adjourned until Thursday, March 16, 1989, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
March 15, 1989

Senate called to Order by the President.

Prayer by Reverend William Stone of the Calvary Baptist Church in Newport.

REVEREND STONE: Let us pray. Our Father in heaven, when we long for life without trials, and work without difficulty, remind us that oaks grow strong in contrary winds and diamonds are made under pressure. As the coming of spring rouses nature from winter sleep, so may Thy spirit revive us, giving us new hope and a livelier faith. Help this Maine Senate to see the right way to preserve the things so dearly bought and to resolve the difficulties that seem so great. Today we claim Thy promise; "if any one lack wisdom, let them ask of God, who giveth to everyone liberally and it shall be given them." We ask in the Saviour's name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Reporting Requirements for Workers' Compensation Insurers" S.P. 280 L.D. 726

In Senate, March 13, 1989, referred to the Committee on LABOR and ORDERED PRINTED.

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Amend Certain Portions of the Maine Legislative Retirement System and the Maine Judicial Retirement System to Make Them Comparable to Similar Portions of the Maine State Retirement System Statutes"

H.P. 556 L.D. 754

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

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

Bill "An Act Regarding Landowner Declaration of Farmland"

H.P. 553 L.D. 751

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Funds for Dioxin Testing"

H.P. 554 L.D. 752

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Alcoholism Prevention, Education, Treatment and

Research Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 563 L.D. 761

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Preferred Provider Arrangement Act of 1986"

H.P. 560 L.D. 758

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Make Records of Quasi-judicial Proceedings Confidential"

H.P. 561 L.D. 759

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit Property Managers to Appear on Behalf of Owners of Residential Dwelling Units"

H.P. 562 L.D. 760

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency)

H.P. 555 L.D. 753

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Withdrawal of Candidates"

H.P. 559 L.D. 757

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Collect Maine Sales Tax on Mail Order Items Entering the State"

H.P. 558 L.D. 756

Comes from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

March 8, 1989

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 38 M.R.S.A., Section 1453, I have appointed Mr. G. Douglas Whittier to the Advisory Commission on Radioactive Waste. He will replace Mr. Charles Frizzle, who has resigned. Please let me know if you have any questions about this appointment.

Sincerely,

S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Leroy Haskell, a resident of the Rockland Methodist Home, on the occasion of his 90th birthday, March 18, 1989;

SLS 77

Presented by Senator BRAWN of Knox
Cosponsored by: Representative MELENDY of Rockland

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE.

Elroy Haskell, a resident of the Rockland Methodist Home, on the occasion of his 90th birthday, March 18, 1989;

SLS 78

Presented by Senator BRAWN of Knox
Cosponsored by: Representative MELENDY of Rockland

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE.

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on TAXATION on Bill "An Act to Create Tax Incentives for the Use of Recycled Packaging"

H.P. 68 L.D. 92

Leave to Withdraw

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

The Committee on AGRICULTURE on Bill "An Act to Amend the Maine Potato Bag Law"

H.P. 255 L.D. 367

The Committee on BANKING AND INSURANCE on Bill "An Act to Expand the Types of Mental Health Care Providers Eligible for Insurance Reimbursement"

H.P. 99 L.D. 134

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Protect Freshwater Wetlands"

H.P. 335 L.D. 454

Off Record Remarks

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act to Alter Certain Provisions of the Weights and Measures Laws to Recognize the Recently Created National Institute of Standards and Technology"

H.P. 163 L.D. 228

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 115 L.D. 152

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

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

Senator ANDREWS for the Committee on TAXATION on Bill "An Act to Provide an Income Tax Checkoff to Support the United States Olympic Team"

S.P. 93 L.D. 98

Change of Reference

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency)

S.P. 179 L.D. 336

Reported that the same be REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill and Accompanying Papers REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Sent down for concurrence.

Ought to Pass As Amended

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interests of the State in Certain Unlocated Rights-of-way

S.P. 77 L.D. 67

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-7).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-7) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Allow Additional Veterans to be Eligible for Veterans' Preference for State Positions"

H.P. 75 L.D. 106

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate

Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care"

S.P. 95 L.D. 100

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Bill "An Act to Establish a Portion of the Boundary Between the Town of Lincoln and the Town of Enfield in the County of Penobscot from the Penobscot River to the Westerly Shore of Cold Stream Pond"

S.P. 102 L.D. 121

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

ENACTORS

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

Emergency

An Act to Amend the Law Regarding the State Forest Nursery

S.P. 97 L.D. 116

(S "A" S-4)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

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

COMMUNICATIONS

The Following Communication: COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT ONE HUNDRED AND FOURTEENTH LEGISLATURE

March 14, 1989

The Honorable Charles P. Pray President of the Senate of Maine State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Lynn Wachtel of Winchester, Massachusetts, for appointment as Commissioner of the Department of Economic and Community Development.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3 Representatives 10 NAYS: 0 ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lynn Wachtel of Winchester, Massachusetts, for appointment as Commissioner of the Department of Economic and Community Development be confirmed.

Sincerely,
S/Dennis L. Dutremble Senate Chair
S/Gregory G. Nadeau House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT has recommended the nomination of Lynn Wachtel of Winchester, Massachusetts, for appointment as Commissioner of the Department of Economic and Community Development, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HOUSING AND ECONOMIC DEVELOPMENT be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator BRANNIGAN

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Lynn Wachtel, for appointment as Commissioner of the Department of Economic and Community Development, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Improve Emergency Preparedness and Provide Training for Hazardous Materials Response Teams"

S.P. 301 L.D. 799

Presented by President PRAY of Penobscot
Cosponsored by Senator PEARSON of Penobscot, Representative GOULD of Greenville and Representative MICHAUD of East Millinocket
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers"

S.P. 296 L.D. 794

Presented by President PRAY of Penobscot
Cosponsored by Senator THERIAULT of Aroostook, Representative RYDELL of Brunswick and Speaker MARTIN of Eagle Lake
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Regulating Activities Adjacent to Great Ponds"

S.P. 304 L.D. 802

Presented by Senator BUSTIN of Kennebec
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Make the Department of Mental Health and Mental Retardation Responsible for the Burial Expenses of State Wards"

S.P. 295 L.D. 793

Presented by Senator WHITMORE of Androscoggin
Cosponsored by Senator PEARSON of Penobscot, Representative AIKMAN of Poland and Representative CARROLL of Gray
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Reorganize the Duties of the Board of the Maine Children's Trust Fund"

S.P. 302 L.D. 800

Presented by Senator BERUBE of Androscoggin
Cosponsored by Representative FOSS of Yarmouth, Representative COLES of Harpswell and Representative WEBSTER of Cape Elizabeth
Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Wrongful Death Laws to Encompass Associated Claims"

S.P. 297 L.D. 795

Presented by Senator TWITCHELL of Oxford
Cosponsored by Representative WALKER of Norway
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law"

S.P. 300 L.D. 798

Presented by Senator BUSTIN of Kennebec
Cosponsored by Senator MATTHEWS of Kennebec, Representative McHENRY of Madawaska and Representative DORE of Auburn
Which was referred to the Committee on LABOR and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Remove the Present Dollar Limit on Funeral, Cremation and Burial Expenses Relative to Restitution by Criminal Offenders"

S.P. 298 L.D. 796

Presented by Senator HOBBS of York

Cosponsored by Senator GAUVREAU of Androscoggin, Representative PARADIS of Augusta and Representative CONLEY of Portland Bill "An Act to Impose Civil Penalties for Intentional Violations of the Maine Unfair Trade Practices Act"

S.P. 299 L.D. 797

Presented by Senator HOBBS of York Cosponsored by Senator BRANNIGAN of Cumberland and Representative PARADIS of Augusta Which were referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED. Sent down for concurrence.

Bill "An Act to Create a Statewide Uniform Salary and Uniform Qualifications for Sheriffs"

S.P. 303 L.D. 801

Presented by Senator BALDACCIO of Penobscot Cosponsored by Representative DUFFY of Bangor, Representative RUHLIN of Brewer and Representative TARDY of Palmyra Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED. Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Clarify the Law Concerning the Inclusion of Nursing Home Benefits in Life Insurance Policies"

S.P. 42 L.D. 12

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-10). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-10) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Amend the Local Road Assistance Distribution Formula" (Emergency)

S.P. 50 L.D. 23

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-8). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-8) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings"

S.P. 109 L.D. 164

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-9).

Signed:

Senators:

BERUBE of Androscoggin ESTY of Cumberland CARPENTER of York

Representatives:

ROTONDI of Athens MCCORMICK of Rockport WENTWORTH of Wells

LARRIVEE of Gorham DAGGETT of Augusta HEESCHEN of Wilton CAHILL of Mattawamkeag BEGLEY of Waldoboro JOSEPH of Waterville

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

Signed:

Representative:

HANLEY of Paris

Which Reports were READ.

On motion by Senator BERUBE of Androscoggin, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED. The Bill READ ONCE.

Committee Amendment "A" (S-9) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 for Facilities Serving People with Mental Illness"

S.P. 305 L.D. 804

Presented by Senator BUSTIN of Kennebec Cosponsored by President PRAY of Penobscot, Representative CARROLL of Gray and Representative ROLDE of York Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON HUMAN RESOURCES ONE HUNDRED AND FOURTEENTH LEGISLATURE March 14, 1989

The Honorable Charles P. Pray President of the Senate of Maine State House Augusta, Maine 04333 Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Human Resources has had under consideration the nomination of Jane Sheehan of Augusta, for appointment as the Child Welfare Services Ombudsman.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3 Representatives 10 NAYS: 0 ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jane Sheehan of Augusta, for appointment as the Child Welfare Services Ombudsman be confirmed.

Sincerely,

S/N. Paul Gauvreau Senate Chair

S/Peter J. Manning House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I stand before you today in support of the Governor's nomination of Jane Sheehan to serve as the first Child Welfare Services Ombudsman for the state of Maine. I rise to apprise the members who may not be familiar with the position, in fact, I was not very familiar myself until the last few days when we had an occasion to study the confirmation. The ombudsman position arises from legislation of the Joint Standing Committee on Audit and Program Review some two years ago and the position is designed to afford immediate access to an ombudsman who can review the appropriateness of state government actions regarding any children who may be in need of protective services under the Department of Human Services. As you may recall in the course of the past few years, there have been instances where there have been at least allegations of inappropriate handling of cases and the Joint Standing Committee on Human Resources, when it heard the nomination yesterday, was pleased with the qualifications of the nominee. Many of our questions are related to the resources made available to the ombudsman position due to an anomaly of funding for this position was not made available last year so we are, under current statutes, required to review the office in June of this year. I think later on we will be submitting for your consideration legislation to extend that review date.

A central concern that we did have in the Committee was the resources made available to this position. There is one full-time ombudsman and one staff for the position. If we properly gage the concern regarding potential or alleged child abuse in the state of Maine, we are concerned that we may have to add significant resources to this position in the near future to allow the ombudsman to properly discharge his or her responsibilities.

So, I think we may be coming in again in a year or so and ask for additional resources. I rise today to simply clarify that point, but again I am in support of the nomination. Thank you.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Jane Sheehan of Augusta, for appointment as the Child Welfare Services Ombudsman, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HUMAN RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRAUN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator BRANNIGAN

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Jane Sheehan, for appointment as the Child Welfare Services Ombudsman, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

ORDERS OF THE DAY

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

Emergency

An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study

H.P. 51 L.D. 72

Tabled - March 14, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENACTED

(In House, March 8, 1989, PASSED TO BE ENACTED.)

(In Senate, March 6, 1989, PASSED TO BE ENGROSSED, in concurrence.)

On motion by Senator TWITCHELL of Oxford, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-11) READ and ADOPTED.

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

Sent down for concurrence.

THE PRESIDENT: The Chair at this time would like to inform the Members of the Senate and I am sure we can all share in a sense of pride of what is reflected on this Body by national attention achieved by one of our colleagues. The Senator from Cumberland, Senator Clark, who has received recognition in this weeks national publication of Newsweek magazine, the March 20th edition, which the cover story is on the disease of arthritis. The cover points out that thirty-seven million Americans, young and old, suffer from the disease itself. The current Newsweek magazine, which I am sure is on the news stands by now, recognizes the significance of the crippling disease. It is an article in which the Senator from Cumberland, Senator Clark, comes across in a personification of the spirit of Maine and Maine's people who are well-known for overcoming hardship with inspiration and with preservation. The Chair would like to congratulate the Senator from Cumberland, Senator Clark, and I am sure her colleagues would as well. (Applause, the Members rising.)

The Chair would quote from the magazine, but that may mean some of you would not go out and buy it, so I am not going to. I think if you take the opportunity, it points out the Senator's success in life despite the hardships and disadvantages that she has had.

Off Record Remarks

LEGISLATIVE RECORD - HOUSE, MARCH 16, 1989

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, March 16, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
28th Legislative Day
Thursday, March 16, 1989

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

Prayer by Father Francis Kane, Chaplain, Veterans Administration, Togus.

The Journal of Wednesday, March 15, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 15, 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 Housing and Economic Development, the Governor's nomination of Lynn Wachtel of Winchester, Massachusetts for appointment as Commissioner of the Department of Economic and Community Development.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 15, 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 Human Resources, the Governor's nomination of Jane Sheehan of Augusta for appointment as the Child Welfare Service Ombudsman.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Improve Emergency Preparedness and Provide Training for Hazardous Materials Response Teams" (S.P. 301) (L.D. 799)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 for Facilities Serving People with Mental Illness" (S.P. 305) (L.D. 804)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (S.P. 296) (L.D. 794)