

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

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

In Senate Chamber
Thursday
April 20, 1989

Senate called to Order by the President.

Prayer by Reverend Raymond Brown of the Advent Christian Church in Waterville.

REVEREND BROWN: Let us bow together in prayer. Our almighty, powerful and wise God in heaven, we do praise You at the beginning of this gorgeous and beautiful Thursday morning. Truly You are ever so good to us.

As we approach Thee today, we pray for wisdom, for guidance, and direction in all matters and decisions that we shall be called upon to discuss and determine in the hours ahead of us.

Our Father, we would bring before Thee our Governor, each Legislator, the President of this Chamber, and especially each Senator here this morning. Truly the responsibility toward the various constituents is great and we do need Your wisdom today.

How grateful we are to live in both a state and country where we still have the glorious freedoms fought for by our forefathers. May we ever hold true to the standards they have set before us. As we have invoked Your presence this morning, we express our thanks to You for hearing us. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 474

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 24, 1989, at 9 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Increase Funding of Legal Services for the Elderly"

H.P. 888 L.D. 1232

Bill "An Act to Provide Support for Community-based Residential Hospice Services"

H.P. 893 L.D. 1237

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 Assure Access to Nutrition Programs for Kindergarten and Part-day Students"

H.P. 882 L.D. 1226

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

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

Bill "An Act to Establish Requirements for Monitoring the State's Waters"

H.P. 890 L.D. 1234

Bill "An Act to Clarify Those Waters of the State That Constitute Outstanding National Resources"

H.P. 892 L.D. 1236

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to the Issuance of Any-deer Permits"

H.P. 887 L.D. 1231

Bill "An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife" (Emergency)

H.P. 895 L.D. 1239

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify the Authority of Personal Care Assistants under the Supervision of Persons in a Consumer-directed Services Program"

H.P. 884 L.D. 1228

Bill "An Act to Require Licensure of Clinics"

H.P. 891 L.D. 1235

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Require the Maine Labor Relations Board to Render a Decision on Prohibited Practice Complaints within 30 Days after Hearing"

H.P. 885 L.D. 1229

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 to Increase the Enforcement Powers of the Board of Trustees of the Maine Criminal Justice Academy"

H.P. 894 L.D. 1238

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 Amend the Maine Administrative Procedure Act"

H.P. 883 L.D. 1227

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow Volunteer Firefighters to Use Sirens Enroute to Fires"

H.P. 886 L.D. 1230

Resolve, to Provide for the Installation of a Traffic Light in the Town of Readfield

H.P. 889 L.D. 1233

Come from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

COMMITTEE ON JUDICIARY

ONE HUNDRED AND FOURTEENTH LEGISLATURE

April 18, 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 Judiciary has had under consideration the nomination of Gail Ogilvie of Richmond, for appointment as a member of the Workers' Compensation Commission.

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 7

NAYS: 0

ABSENT: 2 Rep. MacBride of Presque Isle,
Rep. Hanley of Paris

ABSTAINED: Rep. Paradis of Augusta

Ten 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 Gail Ogilvie of Richmond, for appointment as a member of the Workers' Compensation Commission be confirmed.

Sincerely,

S/Barry J. Hobbins
Senate Chair

S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator PEARSON: Thank you Mr. President. I would like to pose an inquiry to the Chair. Is it permissible to abstain from a vote on a confirmation?

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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (Emergency)

S.P. 469 L.D. 1266

Presented by Senator KANY of Kennebec
Cosponsored by Representative COLES of Harpswell,
Representative MITCHELL of Freeport and Senator HOLLOWAY of Lincoln

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Promote Maine's Participation in the Global Economy and to Enhance the Department of Economic and Community Development"

S.P. 468 L.D. 1265

Presented by Senator WEYMOUTH of Kennebec
Cosponsored by Representative BAILEY of Farmington
Bill "An Act to Provide Local Educational Subsidies to Encourage the Development of Affordable Housing"

S.P. 470 L.D. 1267

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Senator ANDREWS of Cumberland,
Representative OLIVER of Portland and Senator GILL of Cumberland

Which were referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide for Ladders of Advancement in the Health Care Profession"

S.P. 471 L.D. 1268

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative ALLEN of Washington, Representative CROWLEY of Stockton Springs and Representative LAPOINTE of Auburn
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

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

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative OLIVER of Portland and Representative CONLEY of Portland
Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning the Sales and Use Tax Exemption Provided to Nonprofit Ambulance Services and Fire Departments"

S.P. 473 L.D. 1270

Presented by Senator BRAWN of Knox
Cosponsored by Senator KANY of Kennebec,
Representative JOSEPH of Waterville and Representative JACKSON of Harrison
Submitted by the Department of Human Services pursuant to Joint Rule 24.

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

Sent down for concurrence.

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

Senator GOULD: Thank you Mr. President. Mr. President, men and women of the Senate. In regard to the Expression of Legislative Sentiment recognizing Ramona Brown of Belfast, who outlasted 15 other county winners to become Maine's 1989 Spelling Champion, I am pleased to recognize Ramona Brown, she is present here with us today in the balcony. With the help of an instant replay, Ramona Brown of Belfast outlasted 15 other county winners to become

Maine's 1989 Spelling Champion. In a dramatic head to head finish, Saturday, Ramona defeated her runner up.

On an earlier round, Ramona was wrongly eliminated from a competition when the judges bell went off signifying an error in her spelling. After a brief confused pause and quick hurdle by the judges, Lou Colby of WCSH TV announced that a first time ever instant replay would be used to determine whether or not Ramona's spelling was correct. After checking a video tape, the judges returned with a ruling that Ramona had spelled the word correctly after all. I think it is very momentous to honor her on this special occasion.

Off Record Remarks

COMMITTEE REPORTS

House

Leave to Withdraw

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

The Committee on AGRICULTURE on Bill "An Act to Repeal the Law Concerning Agricultural Land and Adjacent Development"

H.P. 194 L.D. 257

The Committee on UTILITIES on Bill "An Act to Amend the Maine Sanitary District Enabling Act and the Sewer District Laws"

H.P. 478 L.D. 658

Ought to Pass

The Committee on TRANSPORTATION on Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Hancock County (Emergency)

H.P. 611 L.D. 834

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1989 (Emergency)

H.P. 872 L.D. 1215

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-86).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

House Amendment "A" (H-86) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Facilitate Conversion of the Maine State Retirement System Records to an Automated System"

H.P. 394 L.D. 525

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-64).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64) AS AMENDED BY HOUSE AMENDMENT "A" (H-68) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-64) READ.

House Amendment "A" (H-68) to Committee Amendment "A" (H-64) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-64) as Amended by House Amendment "A" (H-68) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Real Estate Licensure Laws"

H.P. 31 L.D. 31

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-73).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-73).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-73) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Publicize the Identities of Environmental Law Violators"

H.P. 357 L.D. 477

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-75).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-75) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Relationship Between Woodcutters and Landowners"

H.P. 541 L.D. 738

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-67).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-67) READ and ADOPTED,
in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

The Committee on JUDICIARY on Bill "An Act to
Provide Greater Power to the Maine District Court in
Emancipation Proceedings"

H.P. 109 L.D. 146

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-71).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-71).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-71) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

The Committee on JUDICIARY on Bill "An Act to
Amend How Municipalities Designate Court Officers"

H.P. 179 L.D. 244

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-69).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-69).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-69) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

The Committee on JUDICIARY on Bill "An Act to
Amend the Small Claims Laws"

H.P. 267 L.D. 379

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-70).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-70).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-70) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

The Committee on JUDICIARY on Bill "An Act to
Amend the Litter Laws"

H.P. 360 L.D. 491

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-72).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-72).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-72) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

The Committee on TRANSPORTATION on Bill "An Act
to Amend the Truck Laws"

H.P. 471 L.D. 636

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-74).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-74).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-74) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Divided Report

The Majority of the Committee on FISHERIES AND
WILDLIFE on Bill "An Act to Amend the Framework Dates
During which the Commissioner of Inland Fisheries and
Wildlife May Establish a Deer Hunting Season"

H.P. 364 L.D. 495

Reported that the same Ought Not to Pass.

Signed:

Senators:

ERWIN of Oxford
ESTY of Cumberland

Representatives:

JACQUES of Waterville
CLARK of Millinocket
SMITH of Island Falls
ROTONDI of Athens
DUFFY of Bangor
WALKER of Norway
TRACY of Rome

The Minority of the same Committee on the same
subject reported that the same Ought to Pass.

Signed:

Senator:

GOULD of Waldo

Representatives:

GREENLAW of Standish
FARREN of Cherryfield
CARROLL of Southwest Harbor

Comes from the House the Majority OUGHT NOT TO
PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator ERWIN of Oxford, the
Majority OUGHT NOT TO PASS Report was ACCEPTED, in
concurrence.

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 ESTES for the Committee on EDUCATION on
Bill "An Act to Amend the Alternative Election
Procedure for School Budgets on a Local Basis"

S.P. 272 L.D. 700

Ought to Pass

Senator WHITMORE for the Committee on BUSINESS
LEGISLATION on Bill "An Act to Allow Graduates of the
Department of Corrections Vocational-electrical
Program to be Eligible to Apply for the
Journeyman-in-training License"

S.P. 69 L.D. 57

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure"
S.P. 123 L.D. 189

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-47).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-47) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senator GAUVREAU for the Committee on HUMAN RESOURCES on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-46).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-46) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Amend the Uniform Partnership Act with Regard to Partnership Title in Real Estate"
S.P. 185 L.D. 342

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-48).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-48) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

The Chair laid before the Senate the matter Tabled pending a Ruling of the Chair:

NOMINATION - of Gail Ogilvie of Richmond, member of the Workers' Compensation Commission.

Tabled - April 20, 1989, by the President.

Pending - RULING OF THE CHAIR

(In Senate, April 20, 1989, Communication READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: Earlier in the day, the Senator from Penobscot, Senator Pearson, had made an inquiry to the Chair in reference to abstaining from voting in the Committee process. With the advantage of having the 114th Maine Legislature's Committee Clerk handbook before me and reading from that handbook in reference to abstentions of signing of jackets, "any Committee member may abstain from voting, the fact of an abstention shall be indicated on a jacket, even when the report is otherwise unanimous. A person abstaining does not sign the jacket, abstentions do not effect the unanimous Ought Not to Pass, Leave to Withdraw, or Ought to Pass Report."

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. I am not sure exactly where I am parliamentary wise on this type of thing, but I would like to make a point on it further if I could. I hope that we do accept the Committee's recommendation obviously. It seems to me that the difference between a Committee Report on a regular L.D. and one on a confirmation is that the confirmation process is rather unique in that it takes a certain number of votes to override the Committee. The confirmation process is more structured or more placed in law than simply Committee Reports on L.D.'s, which is why I found the abstention to be different. Maybe it is something that we should address sometime in the future.

THE PRESIDENT: The Chair would advise the members of the Chamber that the confirmation process is in the Constitution of the State of Maine and is in Article V, Section 8, in which the second paragraph reads, "The procedure for confirmation shall be as follows: an appropriate legislative committee comprised of members of both Houses in reasonable proportion to their membership as provided by law shall recommend confirmation or denial by majority vote of committee members present and voting. The Committee recommendations shall be reviewed by the Senate and upon review shall become final action of confirmation or denial unless the Senate by vote of two thirds of those members present and voting overrides the committee recommendation."

The Chair would advise the Senator from Penobscot, Senator Pearson, that the question of abstention is not the pending question before us at this time. It is for procedural questions which the membership and those who staff committees utilize the handbook, which has been prepared by the Legislative Council and the staff, to give them direction on how they should proceed. The prerogative of a member to abstain is the prerogative of the member.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. I would like to make a further inquiry. If Senator Whitmore votes no and I vote yes, we have both voted. If I vote yes and Senator Whitmore abstains, has he voted?

THE PRESIDENT: The Chair in response to the Senator's inquiry is that the Senate Rules and the Joint Rules deal with the voting in the Chambers. The reference to the original inquiry of the Senator as to the Committee Report and the abstention is different than the question that he has just proposed, dealing with the abstention of a member in the Chamber. If a member abstains from voting in the Chamber then he is not recorded as having voted, but having abstained from voting. Only those who cast a yea or nay vote are recorded. To override the recommendation of a Joint Standing Committee on a confirmation would require a two thirds vote and by abstaining, the vote would not count in either category.

The Chair recognizes the Senator from York, Senator Hobbins.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to clarify for this Body this issue regarding the vote on the nomination of Gail Ogilvie. The gentleman from Augusta, Representative Paradis, because of philosophical differences with the nominee and because of information he received outside of the testimony that was provided to us at the confirmation hearing, decided that he could not vote for the nominee. He believed that based upon the record there wasn't enough information to vote against the nominee.

When the roll call was presented, Representative Paradis voted present. In order to fit within, I believe, the rules, it has been recorded when presented to this Body and to the Legislature as to having abstained, but in essence he voted present. He did so with sincerity and I respect his position on that issue.

THE PRESIDENT: The Chair would like to correct a statement that he has made, pulling a little history of action in this Chamber from a number of years ago when members used to pass in their chair. The then Presiding Officer ruled that members who were in the Chamber would not abstain from voting, but would respond to the calling of the roll either in an affirmative or negative manner. An individual can be excused from voting, but cannot abstain from voting in the Chamber.

In response to the inquiry from the Senator from Penobscot, Senator Pearson, as to whether or not his seat mate abstaining, whether his vote would count or not count, the individual would not be allowed to abstain, but the individual could be asked to be excused from voting.

Senator PEARSON of Penobscot, requested and received Leave of the Senate to speak a fourth time.

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

Senator PEARSON: Thank you Mr. President. I am sorry that I am prolonging this, but I am just fascinated by this question. I have become even more so after you read Article V, Section 8, from the Constitution, "recommended confirmation or denial by a majority vote of the committee members present and voting."

That is why I asked the good President at the time what constituted a vote. Would you have to say yes or no and if you didn't say either, are you voting. I suppose that is one of those twists and turns that has to be interpreted by the court and all of that, and I don't want to get into it that deep, but in my memory I don't ever remember anyone ever abstaining.

Off Record Remarks

THE PRESIDENT: The Chair would repeat and provide to the Senator from Penobscot, Senator Pearson, that knowing in his tenure in the Legislature that he obviously has read the Legislative handbook on a number of occasions. In that handbook, it expresses that an individual may abstain in the Committee voting process, but that the vote, the abstention, does not count towards the vote. You could still have an unanimous Ought Not to Pass, or unanimous Ought to Pass Report without that member casting a vote.

The Joint Standing Committee on JUDICIARY has recommended the nomination of Gail Ogilvie of Richmond, for appointment as a member of the Workers' Compensation Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators PERKINS, WEYMOUTH

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 Gail Ogilvie, for appointment as a member of the Workers' Compensation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

SECOND READERS

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

House
Bill "An Act to Correct Errors in the County and Municipal Law Recodification" (Emergency)

H.P. 859 L.D. 1199

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1989 (Emergency)

H.P. 870 L.D. 1213

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1989 (Emergency)

H.P. 871 L.D. 1214

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

Off Record Remarks

ENACTORS

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

An Act Relating to Credit Services Organizations

H.P. 87 L.D. 122

(C "A" H-58)

An Act to Ensure Coordinated Investigations of Complaints Regarding Special Education

S.P. 117 L.D. 183

(C "A" S-36)

An Act Concerning Seafood Market Development

S.P. 140 L.D. 260

(C "A" S-34)

An Act to Adjust the Metes and Bounds Between the Towns of Osborn, Mariaville and Waltham in Hancock County

H.P. 227 L.D. 311

An Act to Amend the Laws on Interest on Delinquent County Taxes

H.P. 252 L.D. 364

An Act to Amend an Act Incorporating the Trustees of Bridgton Academy

H.P. 327 L.D. 446

An Act to Provide that Certain Interest and Income Earned May Be Credited to the Maine State Retirement System for Administration

H.P. 496 L.D. 676

(C "A" H-55)

An Act to Make Records of Quasi-judicial Proceedings Confidential

H.P. 561 L.D. 759

(C "A" H-57)

An Act to Make Technical Corrections in the Laws Concerning Gasoline Stations

H.P. 567 L.D. 771

(C "A" H-54)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Expand the Types of Medication Included in the Elderly Low-cost Drug Program

H.P. 229 L.D. 313

(H "A" H-61)

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

Emergency

An Act to Amend and Unify the Residential Energy Efficiency Building Standards

H.P. 396 L.D. 527

(H "A" H-60; C "A" H-45)

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

Emergency

An Act to Incorporate Certain Bond Statutes into the Recodification of County and Municipal Laws

H.P. 777 L.D. 1089

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

ORDERS OF THE DAY
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned matter: (4/19/89)

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act Relating to

Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-51).

Signed:

Senators:

HOBBINS of York

WHITMORE of Androscoggin

Representatives:

SHELTRA of Biddeford

ALLEN of Washington

CONSTANTINE of Bar Harbor

REED of Falmouth

LIBBY of Kennebunk

STEVENS of Sabattus

TELOW of Lewiston

MARSTON of Oakland

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

Signed:

Senator:

BALDACCI of Penobscot

Representatives:

GRAHAM of Houlton

GURNEY of Portland

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51).

Reports were READ.

Senator BALDACCI of Penobscot moved to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

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

Senator BALDACCI of Penobscot, requested and received Leave of the Senate to withdraw his motion to ACCEPT the Minority OUGHT NOT TO PASS Report.

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

The Bill READ ONCE.

Committee Amendment "A" (H-51) READ.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-51) to Committee Amendment "A" (H-51) READ and ADOPTED.

Committee Amendment "A" (H-51) as Amended by Senate Amendment "A" (S-51) thereto, ADOPTED in NON-CONCURRENCE.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. What you had before you earlier was an amendment that made it a little bit easier to make the Bill workable that was presented before the Senate. We met earlier yesterday and was able to work out some sort of compromise at the time. I think that it is important for this Body and for the Legislature to realize two very important points that must not be dealt with lightly. One, is that this Bill is going to allow the Commissioner of Business Regulation to be the dispenser of public information as it pertains to public health and safety. The Commissioner of Business Regulation will be the one to determine whether premature release of information is warranted to determine if a public health and safety issue is a concern. An example of that would be a psychologist who has committed sexual abuse and as that hearing is proceeding, because this Bill doesn't allow that

information to be public until it has been set for a hearing date by the Board, that person is still allowed to practice and continue. If it does repeat the Commissioner would then be required, through some determination of her own, to determine whether it was in the public's health and safety interest.

The second thing is where oil burners are installed, because some municipalities require a back flow valve which once that has been installed, the expansion valve has to be adjusted. If it is not adjusted you are going to have an explosion in your cellar or a defective oil furnace itself. If that person is doing it wrong and it is brought before a Board, and the public health and safety is at danger, then it would be up to the Commissioner under this Bill to allow that information to become prematurely public.

This places a tremendous responsibility on the Commissioner of Business Regulation, one in which I am sure she may come to regret, because if any one of those Boards does something to detriment the public health and safety, the Commissioner of Business Regulation is going to be answerable to whatever it happens to be and whatever Board it happens to be. Whether it is electricians, plumbers, hearing aid people, or anybody else, the Commissioner of Business Regulation is the dispenser of information as it pertains to those Boards and Commissioners prior to that.

Something you should also be aware of is that there is a Bill in the Committee that would allow for informal conferences to take place between the licensee and the Board, that would be clouded by the confidentiality provision that was before you, because it would only become public once a hearing date had been set by the Board or Commission.

So, I think it is important to look at everything separate, clearly and thoroughly, but at the same time there are a lot of movements going along on confidentiality. I didn't make the case lightly, it is very important to me because my feeling is that I don't have a problem with the public right to know or freedom of information, I think those are very important tenants to a strong democracy.

It is ironic, to see the country of the Soviet Union moving away from the socialism and communism and they are going towards freedom of the press and at times you begin to wonder what is going on before us here in this Body. I caution you and I caution the Commissioner because it is something that is going to be very serious.

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:

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Regulation of Biomedical Waste" (Emergency)
S.P. 356 L.D. 957

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:

Senator TWITCHELL for the Committee on AGRICULTURE on Bill "An Act to Exempt from the Laws Pertaining to Agricultural Land and Adjacent Development Residential Buildings which were Planned at the Time of the Passage of the Legislation"
S.P. 130 L.D. 215

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Law Concerning the Provision of Equipment and Clothing for Firefighters"

S.P. 129 L.D. 214

SECOND READERS

House

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

Bill "An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination"
H.P. 373 L.D. 504

Bill "An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities"
H.P. 384 L.D. 515

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

House As Amended

Bill "An Act Converting Baring Plantation into the Town of Baring"

H.P. 278 L.D. 390

(C "A" H-62)

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

Senate As Amended

Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules"
S.P. 132 L.D. 217

(C "A" S-44)

Bill "An Act to Increase the Compensation of the Board of Dental Examiners and Secretary-Treasurer of the Board"

S.P. 168 L.D. 325

(C "A" S-45)

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

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter (4/19/89):

Bill "An Act to Strengthen Financial Disclosure Laws and to Prohibit the Acceptance of Honoraria"
S.P. 437 L.D. 1154

Tabled - April 19, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, April 12, 1989, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

(In House, April 18, 1989, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

The Chair laid before the Senate the Tabled and Later Today Assigned matter (4/19/89):

Bill "An Act to Provide for More Equitable Reimbursement to Intermediate Care Facilities for the Mentally Retarded"

S.P. 458 L.D. 1243

Tabled - April 19, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Home Owners from Amendments to the Overboard Discharge Laws" S.P. 381 L.D. 1017

The Chair laid before the Senate the Tabled and Specially Assigned matter (4/19/89):
Bill "An Act to Require the Use of Carry-out Bags that Can Be Recycled"

H.P. 790 L.D. 1102

Tabled - April 18, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, April 11, 1989, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED).

(In Senate, April 12, 1989, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED in NON-CONCURRENCE.)

(In House, April 13, 1989, that Body INSISTED.)

The Senate RECEDED and CONCURRED.

ORDERS OF THE DAY
On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following matter:

Joint Order - regarding Ruth Schacter
HLS 305

Tabled - April 6, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE

(In Senate, April 6, 1989, READ.)

(In House, April 5, 1989, READ and PASSED.)

On further motion by same Senator, the Joint Order INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator MATTHEWS for the Joint Select Committee on CORRECTIONS on Bill "An Act to Clarify and Make Changes to the Statute Governing the Operation of the Department of Corrections"

S.P. 145 L.D. 265

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-50).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-50) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMUNICATIONS

The Following Communication: S.P. 475

114TH MAINE LEGISLATURE

April 20, 1989

Senator R. Donald Twitchell
Representative Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dwight L. Tripp, Jr. of Auburn for appointment and Cheryl Kelley of St. Francis and Dr. Russel N. Pinfold of Brunswick for reappointments to the Animal Welfare Board.

Pursuant to Title 7, M.R.S.A. Section 3903, these nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on AGRICULTURE.

Sent down for concurrence.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Create a Review Board for Appeals of Denials of Sewage Disposal Licenses"

S.P. 134 L.D. 219

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Exclude Certain

Senator BRANNIGAN of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator KANY of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve Ventilation at the Augusta Mental Health Institute" (Emergency)

H.P. 911 L.D. 1273

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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. With reference to the item that the Senate just Passed to be Engrossed, I would like to provide some explanatory background. As you know over the course of the last few months, there has been considerable discussion regarding the conditions at the Augusta Mental Health Hospital and the Legislative Committee on Human Resources had hearings in this area in January and February of this year. One of the main topics of discussion was the conditions with respect to the heat conditions at AMHI last summer. We have learned to our distress that the unfortunate confluence of perhaps excessive use of medications together with the unusual heat spell which Maine experienced last summer might have been a factor in some of the deaths which occurred at the AMHI facility last summer.

I want to express my appreciation to Commissioner Morrison for quickly acting in response to the request of the Joint Standing Committee on Human Resources that the state expedite the survey process regarding the feasibility of purchasing air conditioning equipment at AMHI. It is my understanding, although the Department had made a request of this order back in August of last year, no discernable progress had been realized regarding having an assessment of the cost of air conditioning at AMHI until February of this year when the Joint Standing Committee on Human Resources made that request. Commissioner Morrison, I think, promptly moved quickly to have a survey done which was in fact done by the Allied Architectural Engineering firm and I want to also express my appreciation to that firm for the work they did in quickly providing us with very good and reliable information regarding the cost of providing appropriate air conditioning at AMHI.

I would also point out that one of the benefits to the proposal we have before us is that although we will be providing appropriate air conditioning at AMHI to address the present needs of the resident population at that facility, we will not be making such an investment in the facility that in the future if it is appropriate for us to consider new construction, that the excessive investment in the

facility might forego that option. There may well in fact be an appropriate occasion for the state to consider relocating its Acute Care Mental Health Hospital from the current facilities across the river. The funding we have approved today for air conditioning and asbestos removal projects I think will be well served because the state may well be able to use that facility for office space. I think this is a very prudent investment of the state monies.

I wanted to rise today to thank Commissioner Morrison as well as the engineering firm for their prompt action in responding to the request of the Joint Standing Committee on Human Resources and the Appropriations Committee for this information. Thank you.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, 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. 69 L.D. 93

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-89).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-89) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator DUTREMBLE of York, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Improve Ventilation at the Augusta Mental Health Institute

H.P. 911 L.D. 1273

The President ordered a Roll Call. Subsequently, requested and received Leave of the Senate to withdraw his motion for a Roll Call.

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

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

ENACTORS

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

Emergency

An Act to Establish Criteria for Adopting a Moratorium in the Jurisdiction of the Maine Land Use Regulation Commission

S.P. 232 L.D. 562
(C "A" S-49)

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

Off Record Remarks

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED, until Monday, April 24, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
48th Legislative Day
Monday, April 24, 1989

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

Prayer by Reverend James Flye, United Baptist Church, Island Falls.

National Anthem by Edward Little High School Band, Auburn.

The Journal of Thursday, April 20, 1989, was read and approved.

Quorum call was held.

At this point, the Sergeant-at-Arms escorted the Deputy Speaker of New Hampshire's House of Representatives, Harold Burns, and New Hampshire's Clerk of the House, James Chandler, to the rostrum.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 20, 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 Judiciary, the Governor's nomination of Gail Ogilvie of Richmond for appointment as a member of the Workers' Compensation Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Provide for More Equitable Reimbursement to Intermediate Care Facilities for the Mentally Retarded" (S.P. 458) (L.D. 1243)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

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

Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (EMERGENCY) (S.P. 469) (L.D. 1266)

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.

Bill "An Act to Promote Maine's Participation in the Global Economy and to Enhance the Department of Economic and Community Development" (S.P. 468) (L.D. 1265)

Bill "An Act to Provide Local Educational Subsidies to Encourage the Development of Affordable Housing" (S.P. 470) (L.D. 1267)