

# 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 I**

**FIRST REGULAR SESSION**

December 7, 1988 to May 10, 1989

this morning but I do have some problems with this. I think before we pass this to be engrossed -- my only concern is dealing with public funds on private ways and I would ask for a roll call and we will go from there.

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.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed (a roll call having been ordered) and specially assigned for Tuesday, April 25, 1989.

(At Ease)

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: Bill "An Act to Fund Health Care Personnel Surveys" (H.P. 913) (L.D. 1279) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Representative Aliberti of Lewiston was granted unanimous consent to address the House:

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: There is sadness and joy to report here today. The sadness is of Robert, the 27 year old son of Representative John Jalbert and his dear wife, Frances, being called by his maker. The joy is that the extensive and intensive pain and suffering of Robert and his family have been relieved.

Please join me and respectfully pause and reflect for just a moment.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby Bill "An Act to Change Certain Criminal Violations to Civil Violations" (H.P. 947) (L.D. 1315) was referred to the Committee on Judiciary.

On motion of the same Representative, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Cahill of Mattawamkeag, Adjourned until Tuesday, April 25, 1989, at twelve o'clock noon.

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

In Senate Chamber  
Monday  
April 24, 1989

Senate called to Order by the President.

Prayer by Reverend Robert Leon of the United Methodist Church in Randolph.

REVEREND LEON: Let us pray. Almighty God, we thank You for this day and for the energy to live it, may we live it with a whole heart and a whole soul as a gift from You. We thank You for the people of Maine and for the opportunity to be their servants. We thank You for the freedoms You have given us of will and thought and deed, which has created many of the problems we face. We thank You because that same gift of thought may solve them. May we exercise these blessings in love, that those whom we serve may bless Your name and live in peace. We ask all of these things in Jesus' name. Amen.

Reading of the Journal of Thursday, April 20, 1989.

Off Record Remarks

Senate at Ease  
Senate called to order by the President.

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

Senator THERIAULT of Aroostook was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter  
Bill "An Act Relating to the Dig-safe Law"  
H.P. 432 L.D. 597  
(C "A" H-37)

In Senate, April 10, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37) AS AMENDED

BY HOUSE AMENDMENT "A" (H-94), thereto in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide Medicaid-reimbursable  
Mental Health Services to Families with Infants and  
Toddlers"

H.P. 900 L.D. 1257

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

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

Bill "An Act to Amend the Standard Fire Insurance  
Policy"

H.P. 901 L.D. 1258

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 Allow Retail Stores to Remain  
Open on Sundays"

H.P. 897 L.D. 1254

Bill "An Act Relating to the Disclosure of  
Information Concerning Used Motor Vehicles at the  
Time of Sale or Transfer"

H.P. 903 L.D. 1260

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

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

Bill "An Act Providing for Changes in the Reports  
Required from Forest Landowners"

H.P. 906 L.D. 1263

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

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

Bill "An Act to Revise the Medical Examiner Act"

H.P. 905 L.D. 1262

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

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

Bill "An Act to Prevent, Punish and Remedy  
Violations of Constitutional Rights"

H.P. 896 L.D. 1253

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

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

RESOLUTION, Proposing an Amendment to the  
Constitution of Maine to Increase the Availability of  
Legislative Participation

H.P. 902 L.D. 1259

Bill "An Act Authorizing Changes to the Budget  
Process in York County"

H.P. 904 L.D. 1261

Bill "An Act to Standardize the Compensation and  
Appointment Practices for Senior State Managers"

H.P. 907 L.D. 1264

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

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

Bill "An Act to Provide Property Tax Relief"

H.P. 909 L.D. 1272

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.

Bill "An Act to Create a Full-time Motor Vehicle  
Office in the Town of Sanford"

H.P. 898 L.D. 1255

Bill "An Act to Provide a Notification Mechanism  
for the Expiration of Motor Vehicle Registration"

H.P. 899 L.D. 1256

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.

Pursuant to Private and Special Laws  
COMMISSION ON MANUFACTURED HOUSING

The COMMISSION ON MANUFACTURED HOUSING, pursuant  
to P&SL 1987, Chapter 139, ask leave to submit its  
findings and to report that the accompanying Bill "An  
Act to Provide Assistance to Owners of Manufactured  
Housing"

H.P. 908 L.D. 1271

Be referred to the Joint Standing Committee on  
LEGAL AFFAIRS for Public Hearing and printed pursuant  
to Joint Rule 18.

Comes from the House with the Report READ and  
ACCEPTED and the Bill referred to the Committee on  
LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint  
Rule 18.

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill referred to the Committee on LEGAL  
AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule  
18, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 910  
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE  
UNITED STATES TO CONDUCT HEARINGS CONCERNING  
INTERSTATE COMMERCE COMMISSION OVERSIGHT  
OF MAINE RAILROADS

WE, the members of the One Hundred and Fourteenth  
Legislature of the State of Maine now assembled in  
the First Regular Session most respectfully present  
and petition the members of the Congress of the  
United States, as follows:

WHEREAS, transportation problems created in the  
State of Maine by Guilford Industries' railroad  
operations have left our biggest and best industries  
without adequate rail services; and

WHEREAS, the economic development of the State of  
Maine has suffered immensely without a safe,  
dependable and competitive rail system since Guilford  
Industries reduced rail operations throughout the  
State of Maine, including the Bangor Yard, in Bangor,  
Maine and the Rigby Yard in South Portland, Maine; and

WHEREAS, employment on Guilford Industries'  
railroads has been reduced to a level insufficient to

provide necessary services and employment to industries served by those railroad operations; and

WHEREAS, railroad seniority had provided qualified and experienced personnel to operate Guilford Industries' rail service in the past; however, during the past year Guilford Industries has substituted these employees with newly hired, inexperienced, junior and unqualified personnel; and

WHEREAS, this substitution is a threat to the safety of personnel, property and cargo; and

WHEREAS, the Legislature of the State has long been concerned with the problems caused by Guilford Industries' railroad operations in Maine and has found it necessary to enact certain legislation to protect the vital interests of its constituents; and

WHEREAS, a certain Interstate Commerce Commission decision of January 10, 1989, denied employees of Guilford Industries the benefit of the work rules issued by Richard Kasher after full, fair and fact-finding arbitration; and

WHEREAS, the Interstate Commerce Commission imposed a post-arbitration seniority arrangement which was not subject to any discussion or fact-finding arbitration and which denied employees due process; and

WHEREAS, the Chair of the Interstate Commerce Commission conducted all of the activities of the commission, resulting in the deprivation of a full and fair fact-finding arbitration for employees of Guilford Industries; now, therefore, be it

RESOLVED: That We, Your Memorialists, respectfully recommend and urge the Congress of the United States to:

1. Establish and conduct hearings in the Senate of the United States on the decision-making process used by the Interstate Commerce Commission in its oversight of Guilford Industries;

2. Establish and conduct hearings in the House of Representatives of the United States on the decision-making process used by the Interstate Commerce Commission in its oversight of Guilford Industries;

3. Decline to confirm any reappointment of the Chair of the Interstate Commerce Commission in light of the recent actions and decisions of the commission; and

4. Enact legislation requiring that the so-called Kasher Implementing Arrangement decided on June 12, 1988, govern Guilford Industries, its rail subsidiaries and their employees and labor organizations until amended, changed or abrogated under the provisions of the United States Railway Labor Act; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be immediately submitted to the Honorable George H. W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

Off Record Remarks

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. In regard to the Expression of Legislative Sentiments recognizing Professor Otto Mihaly, the Director of the Center of School Research, National Institute of Education,

Budapest, Hungary, and the Maine Studies Institute and the students and teachers of Lake Region High School, Katahdin High School and Mt. Desert High School participating in the "Close Up Europe Program", I would like to say a few words.

Today we are honored and I think all of us are very pleased that we have with us in the Chamber some true pioneers in the true and full sense of the word. We have young people who will be part of a delegation traveling to our capitol and to five capitols of Europe representing not only the State of Maine and the United States, but developing, with their colleagues in those five European countries and four american states, international curriculum that will link themselves and their communities together through programs and projects during the next academic year. It is not just a fun-filled field trip to Europe, it is a working, very important project that they are engaged in. They have been working very hard to prepare for that program and we expect great things from them and their teachers and the communities when they return.

Their parents are also here, many parents who have been supporting them and involved in the project as well as their teachers. Dr. Otto Mihaly is a leader in European education and his presence here in this Chamber and in this State for the formal launching of his project I think is an indication of the great excitement that is happening not only in western Europe, but eastern Europe as well. With his leadership and participation, the students of the state of Maine will have a direct link with students in eastern Europe, which can only prove to be a better world for all of us. We welcome them all. Thank you.

COMMUNICATIONS

The Following Communication:  
MAINE STATE LEGISLATURE  
COMMISSION TO STUDY THE STATUS OF  
NURSING PROFESSIONS IN MAINE  
April 20, 1989

The Honorable Charles P. Pray  
President of the Senate  
State House Station 3  
Augusta, Maine 04333  
Dear President Pray:

On behalf of the Commission to Study the Status of the Nursing and Health Care Professions in Maine, I am respectfully requesting that the Legislative Council authorize the expenditure of funds from the legislative account to complete printing of the Commission's report, as well as other related expenses.

As you are aware, the nursing crisis in federal, state and local institutions is one that threatens adequate health care for Maine people. The additional funds would help to ensure that the Commission's work is completed.

I would appreciate a response at your earliest convenience.

Respectfully submitted,  
S/Rep. Brad Boutilier  
Chair, Commission to  
Study the Status of the  
Nursing and Health Care  
Professions in Maine

Which was READ and with Accompanying Papers  
ORDERED PLACED ON FILE.

The Following Communication:  
DEPARTMENT OF LABOR

PO BOX 309  
AUGUSTA, MAINE 04330  
April 21, 1989

The Honorable Charles P. Pray  
President of the Senate  
114th Maine Legislature  
State House Station 3  
Augusta, Maine 04333  
Dear President Pray:

I am pleased to enclose a copy of our report on the first eight months of operation of the Strategic Training for Accelerated Reemployment (STAR) Program. This report has been submitted to the Joint Standing Committee on Labor, in accordance with Public Law, chapter 577.

As I think you will agree after reviewing the report, the STAR Program has surpassed our expectations for providing an essential training program for recently unemployed Maine citizens. During the first eight months, we have achieved over ninety percent of our goal for the first year, which was to provide education and training to 600 Maine people. I think you will also be pleased to find that the average wage at placement to date is \$6.33 per hour, which exceeds our goal of \$6.00 per hour.

You may also be interested in knowing that the STAR Program has been of significant assistance in aiding many of Maine's dislocated workers during the 1988/89 program year, in particular those previously employed by Health-Tex, Emple Knitting Mills and Penobscot Poultry. Many of these workers left 20 or more years of hard work and loyal employment, to find themselves jobless with skills that are no longer marketable.

For your information, we will be submitting shortly a proposal to continue, and make a few changes to, the STAR Program. If you have any questions concerning this report, please do not hesitate to contact me.

Sincerely,  
S/John Fitzsimmons  
Commissioner

Which was READ and with Accompanying Papers  
ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Provide Housing for the Homeless"  
S.P. 480 L.D. 1301

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative CARROLL of Gray,  
Representative LEBOWITZ of Bangor and  
Representative HEESCHEN of Wilton  
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS  
suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland,  
referred to the Committee on HOUSING AND ECONOMIC  
DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Allow Organizations to Sell  
Insurance to a Limited Membership"

S.P. 478 L.D. 1276

Presented by Senator BALDACCI of Penobscot  
Cosponsored by Representative STEVENS of Bangor  
Which was referred to the Committee on BANKING  
AND INSURANCE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend and Improve the Laws  
Relating to Education"

S.P. 481 L.D. 1302

Presented by Senator GILL of Cumberland  
Cosponsored by Senator ESTES of York,  
Representative HANDY of Lewiston and  
Representative REED of Falmouth  
Submitted by the Department of Educational and  
Cultural Services pursuant to Joint Rule 24.  
Which was referred to the Committee on EDUCATION  
and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Clarify Terminology Used in Laws  
Related to Historic Sites under the Jurisdiction of  
the Bureau of Parks and Recreation"

S.P. 476 L.D. 1274

Presented by Senator HOLLOWAY of Lincoln  
Cosponsored by Senator RANDALL of Washington and  
Representative BEGLEY of Waldoboro  
Submitted by the Department of Conservation  
pursuant to Joint Rule 24.  
Which was referred to the Committee on ENERGY AND  
NATURAL RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Protect the State's Ownership of  
Public Records"

S.P. 479 L.D. 1277

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative LISNIK of Presque  
Isle  
Which was referred to the Committee on STATE AND  
LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning Wide Loads"

S.P. 477 L.D. 1275

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by Representative SMALL of Bath and  
Representative HOLT of Bath  
Which was referred to the Committee on  
TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning the Operation of  
Emergency Medical Vehicles"

S.P. 482 L.D. 1303

Presented by Senator COLLINS of Aroostook  
Cosponsored by Senator THERIAULT of Aroostook,  
Representative GREENLAW of Standish and  
Representative BURKE of Vassalboro  
Submitted by the Department of Human Services  
pursuant to Joint Rule 24.  
Which was referred to the Committee on  
TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

COMMITTEE REPORTS  
House

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:

The Committee on ENERGY AND NATURAL RESOURCES on  
Bill "An Act to Expand the Area Around Rivers  
Protected by the Site Location of Development Law"

H.P. 430 L.D. 595

The Committee on ENERGY AND NATURAL RESOURCES on  
Bill "An Act to Allow Cleanup of Beach Frontage on  
Artificially Created Great Ponds"

H.P. 598 L.D. 822

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide Free Hunting and Fishing Licenses to Persons 65 Years of Age or Older"

H.P. 689 L.D. 941

The Committee on TRANSPORTATION on Bill "An Act to Provide Motor Vehicle Registration Consistency"

H.P. 615 L.D. 838

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 Simplify Pesticide Inventory Requirements" (Emergency)

H.P. 593 L.D. 811

The Committee on EDUCATION on Bill "An Act Concerning Voting Procedures for School District Budgets"

H.P. 532 L.D. 717

The Committee on EDUCATION on Bill "An Act to Amend the Budget Procedures of Community School Districts"

H.P. 612 L.D. 835

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Exempt Certain Lands Classified as Wetlands under Local Ordinances"

H.P. 780 L.D. 1092

The Committee on HUMAN RESOURCES on Resolve, to Establish the Commission to Study the Feasibility of Developing Mature Care Systems in Maine

H.P. 511 L.D. 691

The Committee on HUMAN RESOURCES on Bill "An Act to Allow Recovery of Costs Incurred in Cooperating with Length-of-stay Reviews, Utilization Reviews and Related Activities by Managed Care Organizations, 3rd Party Payors and Governmental Entities"

H.P. 643 L.D. 877

The Committee on TRANSPORTATION on Resolve, to Study the Feasibility of an Interstate 95 Interchange to Access the Town of Sanford

H.P. 547 L.D. 744

Change of Reference

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Assist Local Educational Authorities in Replacing Unsafe School Buses"

H.P. 346 L.D. 465

Reported that the same be REFERRED to the Committee on EDUCATION.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on EDUCATION.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on EDUCATION, in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding Damage from Industrial Fallout"

H.P. 673 L.D. 922

Reported that the same be REFERRED to the Committee on JUDICIARY.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on JUDICIARY, in concurrence.

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act to Allow the Department of Human Services to Share Information with Support Teams for Foster Parents"

H.P. 642 L.D. 876

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.

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act Concerning the Regulation of General Use Pesticides"

H.P. 135 L.D. 179

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-77).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-77) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Bill "An Act to Prohibit and Provide a Penalty for Trespass by Animals"

H.P. 153 L.D. 205

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-79).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79) AS AMENDED BY HOUSE AMENDMENT "A" (H-92) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-79) READ.

House Amendment "A" (H-92) to Committee Amendment "A" (H-79) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-79) as Amended by House Amendment "A" (H-92) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Bill "An Act to Allow Raffleing of Livestock by Charitable Organizations for Charitable Purposes"

H.P. 200 L.D. 280

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-78).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-78) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Provide Consumers Notice of Restaurant Foods Containing Monosodium Glutamate"

H.P. 494 L.D. 674

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-82).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-82) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Northern Maine General Hospital Charter to Operate Programs for Disadvantaged Individuals"

H.P. 537 L.D. 734

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-83).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-83) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act Concerning Antique Automobiles and Horseless Carriages"

H.P. 429 L.D. 594

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-81).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-81) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Clarify the Motor Vehicle Law Concerning the Operation of Motorcycles"

H.P. 501 L.D. 681

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-80).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-80) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Provide a Penalty on Delinquent Public Utilities"

H.P. 568 L.D. 772

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-85).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-85) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

#### Divided Report

The Majority of the Committee on AGRICULTURE on Bill "An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine"

H.P. 452 L.D. 617

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-59).

Signed:

Senators:

TWITCHELL of Oxford  
KANY of Kennebec  
EMERSON of Penobscot

Representatives:

WHITCOMB of Waldo  
TARDY of Palmyra  
NUTTING of Leeds  
MAHANY of Easton  
BELL of Caribou  
PARENT of Benton  
PINES of Limestone  
ALIBERTI of Lewiston  
SHERBURNE of Dexter

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

Signed:

Representative:

HUSSEY of Milo

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-59) AS AMENDED BY HOUSE AMENDMENT "A" (H-66), thereto.

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (H-59) READ.

House Amendment "A" (H-66) to Committee Amendment "A" (H-59) READ.

Senator EMERSON of Penobscot moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-66) to Committee Amendment "A" (H-59).

THE PRESIDENT: The Chair recognizes the same Senator.

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. To anybody who may think they understand the free enterprise system; the pricing of milk is somewhat complicated. It seems to me, the situation that this Bill attempts to remedy is sort of ironic. I would like to say why I believe this. In the first place, the Maine Milk Commission sets minimum prices for milk, they never have, to my knowledge, set a maximum price. The reason I think it is sort of ironic is because in the past the minimum price of milk at the retail level seemed to be set high enough so that people who were



delivering to large volume outlets made a large profit and this enabled them to subsidize delivery in the smaller markets in the more remote areas. Perhaps this would let them increase their volume and lower their unit price.

I believe that this policy of pricing had a significant effect on the demise of many small dairies who ordinarily would deliver to these smaller markets in the more remote areas. Because they didn't have the cushion of delivering to bigger markets, the larger dealers were able to take the business away from them in the smaller markets. This Bill is an attempt to rectify that to some extent.

Within the past two or three years, the policy of pricing milk at the retail level has been changed. It is now priced more at what the free market would dictate. The reason that it was changed was to forestall a threat by the larger supermarkets to obtain their supplies of milk from outside the state and outside the realm of the Maine Milk Commission. If this had happened, it would have been disastrous to the dairy industry in the State of Maine, especially from the farm level. So, now milk is priced at what the free market would have it. That has led to the situation where the dealers find it unprofitable to deliver to some small markets and they have threatened to stop delivery to these markets.

Now, L.D. 617, was an attempt to place some kind of solution to this, but after the Committee listened to the opponents, the Committee decided that if a dealer was going to cut off delivery to a small market that they would give the market a thirty day notice. The thought behind this was that some enterprising person might find this a way to make a living and they might buy milk at wholesale from a large dealer and deliver it to these small markets at a certain markup. That was the idea behind the thirty day notice that the Committee gave.

The House Amendment would say that in order to stop delivery they would have to give a thirty day notice and then if the person who was to receive the milk wanted to they could apply to the Maine Milk Commission. This seems to make a complicated issue out of something that could have been simple. The House Amendment would require the Milk Commission to make sure that every store, restaurant, school and hospital in every area of the state receives regular delivery of milk.

Before a distributor would be permitted to drop a customer or a group of customers the Maine Milk Commission would have to find that either another source of milk is available or that the termination of delivery would be in the public interest.

Minimum milk pricing is suppose to assure an adequate supply of milk on a long-term basis and it does this by making sure that prices are high enough to yield some profit for producers and distributors. When a distributor elects to terminate a route or even an individual customer, it does so because the delivery has become unprofitable. The scheme proposed by this Amendment would require that distributors continue to supply certain customers and absorb losses for doing so. Needless to say, prices somewhere are going to have to reflect these increased costs of doing business. Most likely, the financial burden imposed by this Amendment would fall on consumers and farmers. In the event a distributor wanted to discontinue a customer, the Maine Milk Commission may have to deny the proposed termination if it did not serve the public interest. The Amendment gives absolutely no guidance to the Milk Commission as to what constitutes public interest.

This legislation would force private businesses to sell products without regard to market conditions and cost factors. Any regulatory system used to accomplish this is likely to become extremely complicated. Consideration should be given as to how a distributor would be allowed a reasonable return for increased obligation, also consideration should be given as to how the various distributors would share the burden for unprofitable delivery. We should have some idea whether this new regulatory charge to the Milk Commission may become unduly complex and result in a need for additional staff. I think this makes what could have been a fairly simple solution a rather complicated solution and I would urge you to vote to Indefinitely Postpone House Amendment "A". Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. It is very rare that I find myself in a position when I would be debating against Senator Emerson of Penobscot. However, I do disagree with him on this particular item and the reason I do is because I think that milk is a different kind of commodity than almost anything else we deal with. It ought to be delivered not only to the larger towns and cities of this state and medium towns, but it should be readily available in the rural areas as well. In my area, I have towns that are pretty far out on the end of the infrastructure of the state, Springfield, which is the next town to Senator Ludwig's district, which goes into Topsfield, who is going to deliver there? Do they need milk? Yes, they do. Should they have milk? Yes, they should. I think it is a commodity that ought to be delivered.

The good Senator from Penobscot, Senator Emerson, makes the point that if it is unprofitable the free market should take over. I am pretty much a free market person myself, but that particular commodity I believe should be delivered everywhere in the state where people want it.

If you go into the store in Topsfield or Springfield or in Bingham or Jackman, or any of the areas that are pretty far out in the state as far as roads are concerned, you will find copies of the Bangor Daily News, or the Waterville Sentinel, or whatever papers serve that particular area. Do they make money doing that? I don't believe they do. Why do they do it? Because that is a service area that they feel they should provide service to. I don't believe that the twenty or so newspapers that are sold in the store in Topsfield will make the Bangor Daily News any money at all, but they do deliver there and if they can deliver newspapers there, the least we ought to be doing is delivering milk there.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I used to be a milk producer and I was also in the wholesale grocery business and I can tell you that the dairy business is a shaky business. I can't see, under free enterprise, why somebody should be forced to do business where they don't want to do it. It is ridiculous. Many of the small stores in this state do not receive groceries from the wholesalers, they have drop shipments and you can do the same thing with milk. You can get milk anywhere you want it. You can have it drop shipped. You can have it delivered. Ice cream is another product that can be done the same way. There are other people who might want to go into business, who might want to deliver that milk. I don't see any great problem with any

area not receiving this product and I think it is a shame for us to mandate that people have to do business where they can't possibly make a profit. Thank you.

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

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to make one point. We consider medical services pretty important to our lives and most small towns don't have a doctor. Are we going to order doctors to go to these towns too?

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. In America's history and very recently, we have tried to deal with the question of doctors in rural areas by providing them with special federal grants in order to get them out into rural America and I think that was something that should happen. I have one in my area, Senator Ludwig's actually, in Mattawamkeag who is there because of that particular kind of program.

The Senator from Cumberland, Senator Dillenback, those of you who are new here in the Senate there is a long story that goes behind Senator Dillenback, when he was a member of another place we used to hear on a regular basis that he was a certain thing in his earlier life. He was a school bus driver, a mortician, a entrepreneur who owned a shopping center and we used to sit back and think, wow, that guy has done a lot of things and then we found out it was all true. He has done everything he ever said he has done. He makes the point in his debate that he doesn't think anybody should be forced to receive the services of a business if they don't want to. Senator Dillenback of Cumberland, forgets that one of the professions he used to be in is one that we all are going to receive the services of one day or another that was as an undertaker.

One of the things that I would like to point out to you again is that I can't imagine life at any stage in human existence without milk. It is one of the most essential ingredients that we have, certainly for children, and is an ingredient in everything else we eat. That is why I think it is essential to have it delivered to the rural people. Milk Companies make money in the larger cities, in Lewiston, in Bangor, in Portland, in Presque Isle and Biddeford and all the rest, and when they make money I think they have a responsibility, in that particular commodity, to see to it that those of us who don't live in the larger cities get a delivery of it.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, I would like to pose a question through the Chair to any member of the Agriculture Committee who may wish to respond. What is the difference between the Maine Milk Commission approving a rate increase for milk prices for milk companies that can't make money on the base price being at such a level or farmers being at such a level and the Public Utilities Commission allowing for price averaging throughout the state because of the poor or more rural communities and the expense of providing that telephone service would be so much prohibitive that what they do is price averaging so that calls between Bangor and Portland is more expensive maybe than it should be on economics, but because it would be so much more expensive for the rural communities to have telephone service that they use price averaging.

Isn't the milk company regulated by the Maine Milk Commission for pricing?

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I rise to answer the question from the good Senator from Penobscot, Senator Baldacci. I rise as a member of the Agriculture Committee, not a long serving one I might admit. The milk pricing is, as the good Senator from Penobscot, Senator Emerson, indicated purely a minimal. The intent was to allow the dairy industry to stay alive. That is slightly different than the utilities industry, which the good Senator from Penobscot, Senator Baldacci, is well aware of having served as the Chair of the Utilities Committee for at least a couple of terms and I served on it for four years too. The utilities industry is very different. The electrical generating industry and the telephone industry are monopolies and they are the only ones in a particular area of the state allowed to provide retail services.

In exchange for that monopoly status they then are required to serve certain areas. It is entirely different from the milk industry, which is simply not a monopoly. The economics are entirely different.

I rise to support the good Senator from Penobscot, Senator Emerson, on this issue and I support the twelve to one Committee Report, with an amendment, which merely required that if a distributor was going to terminate service that it would allow a thirty day notice. I sympathize with those who like to receive fresh milk delivered, but I would point out that there is dry milk available and access certainly from other distribution points other than actual delivery to an institution.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. While I appreciate the good comments and explanation of the good Senator from Kennebec, I can say that I am mildly outraged with the comments of let them drink dry milk versus whole milk and those of nutritional value for many of Maine's young people and older people. The basic thing I was trying to find out or establish was the fact that milk is a basic component that is so integral to our society that we set up the Maine Milk Commission to regulate the pricing. The Maine Milk Commission, as called for in this amendment, would be the one to determine the public interest and it is no different to me than being able to provide the basic telephone service and basic milk. What you are saying is that the people that call from Van Buren are going to use a little tin can with a long empty cord in it if they want to talk to anybody and they do have those available, but the rest of the world south of Van Buren and Fort Kent will have touch tone dialing and call forwarding and call waiting. To say that the people in the rural parts of the community throughout Maine are going to drink dry milk because they are not as popularly located as people in Bangor, Waterville, Augusta or Portland I think is an indignant outrage to most of the Maine people throughout the State of Maine and I would hope that those remarks were not intended to be that. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I just want to add a little bit to this debate, as a former Chair of the Agriculture Committee. We are talking about the Maine Milk Commission and the responsibilities of

the Milk Commission are not just to establish prices for Maine produced milk, but also to deal with the distribution and the equity of distribution around our state. I just want to point under the statute in Chapter 603 of the Milk Commission where it says, "consideration for the Milk Commission in establishing prices, in establishing and changing minimum wholesale and retail prices these prices so established shall be just and reasonable taking into account due consideration of the public health and welfare and insuring of an adequate supply of pure and wholesome milk to the inhabitants of this state."

The inhabitants of this state, ladies and gentlemen of the Senate, means the people in Portland, Bangor, Fort Kent, and Caratunk around this state and that is why we established the Maine Milk Commission. I would urge you to defeat this motion and to Adopt this Amendment. Thank you.

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

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. I don't mean to milk this situation too much, but I thought way back in the question that I heard posed something about statewide averaging. I thought I explained that, but apparently I didn't. Prior to two or three years ago, the minimum price was high enough so that the dealers could deliver to the big markets and have a surplus of money so that they could subsidize the smaller markets. That happened, but because of a threat by the larger supermarkets to buy their milk out-of-state, the Maine Milk Commission began pricing retail prices of milk more near the free market level. At one time it was a statewide average.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I just want to correct one thing, I never drove a school bus. However, I did drive a bus for a hotel one summer when I was in college. I would like to point out that it is amazing to me how people on Chebeague Island have milk, it is amazing to me how the sporting camps on Moosehead Lake seem to have milk and I am sure no trucks deliver to those places. Even when I had a camp in Seboomook, we seemed to be able to get milk. I just think there are many opportunities for people to have milk. They can have it drop shipped, and people seem to overlook that, they can have other entrepreneurs who are willing to pick up an extra dollar by delivering, when they deliver the groceries they can deliver the milk also. I don't think this is such a serious problem.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. It seems today we have been discussing most of my district. One of the Senators mentioned Caratunk, another good Senator mentioned Bingham and Jackman, and the good Senator from Cumberland even mentioned Seboomook, which is in my district, so it seems that people in my area are being well represented here today. I would only like to say that I was aware of this Bill and the reason for this Bill way before the Legislative Session ever began. Last year, one of the dairies in my district, in northern Somerset County, decided, on a days notice, that they were no longer going to deliver milk to some of the small towns in my district. Well, I think that was a pretty unfortunate situation and many of the store owners up in the Caratunk, Bingham, Jackman, and Rockwood areas were concerned that they were not

going to be able to find another milk distributor to deliver to the stores.

It seemed in a matter of days or weeks, at the very most, another dairy did come in and is delivering up there.

I think the Committee Bill that was thought out and discussed in the Agriculture Committee is reasonable. I think there ought to be some type of waiting period. If a dairy is going to stop delivering to some small grocery store somewhere in the state, the grocery store owner ought to know that at least thirty days prior to. I think this Amendment, that came out of Committee almost unanimously, is reasonable and the people I represent in those small towns in Maine don't like regulation, they don't like government interference and they support the free enterprise system. Although we are never going to have a true free enterprise system with the Maine Milk Commission, I think we are as close as we are going to get and I think this Committee Amendment, that came from the Agriculture Committee, is reasonable and I would urge you to support it.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to present you with another view. I would hope that you would support Senator Emerson's motion to Indefinitely Postpone this Amendment and let me give you my reasons why. In Biddeford, it seems to me if I remember back far enough when my father owned a grocery store, there used to be milk delivered to his store by a lot of small dairies. Then the big distributors came in and one by one the small dairies in my part of York County and other parts of York County went out of business because of the competition from these big industries. Now, we are looking at a situation where you have the large distributors who want to pull out of these smaller areas or rural areas of the state of Maine. It seems to me the reverse is going to happen here, you are going to have a resurgence of the smaller dairies which should lead to resurgence of the good size dairy farms in the state of Maine. For that reason and some others I am going to support the motion to Indefinitely Postpone this Amendment.

Senator PEARSON of Penobscot requested a Division.  
THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I just wanted to make it absolutely clear for those who have any question of my position on this Amendment, which is the same as that of Senator Emerson. I think we ought to defeat the House Amendment. Thank you.

---

Off Record Remarks

---

THE PRESIDENT: The pending motion before the Senate is the motion by Senator EMERSON of Penobscot to INDEFINITELY POSTPONE House Amendment "A" (H-66) to Committee Amendment "A" (H-59).

A Division has been requested.

Will all those Senators in favor of the motion to INDEFINITELY POSTPONE House Amendment "A" (H-66) to Committee Amendment "A" (H-59), please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

25 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by

Senator EMERSON of Penobscot, to INDEFINITELY POSTPONE House Amendment "A" (H-66) to Committee Amendment "A" (H-59) in NON-CONCURRENCE, PREVAILED.

Committee Amendment "A" (H-59) ADOPTED in NON-CONCURRENCE.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator EMERSON of Penobscot, RECESSED until 4:30 this afternoon.

After Recess

Senate called to order by the President.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Successful Gubernatorial Candidates to Receive More than 50 Percent of the Votes Duly Cast

H.P. 233 L.D. 317

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland  
CARPENTER of York

Representatives:

BEGLEY of Waldoboro  
LARRIVEE of Gorham  
WENTWORTH of Wells  
DAGGETT of Augusta  
ROTONDI of Athens  
MCCORMICK of Rockport

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

Signed:

Representatives:

HEESCHEN of Wilton  
JOSEPH of Waterville  
CAHILL of Mattawamkeag

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

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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 MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Liquor Laws of Maine"

S.P. 173 L.D. 330

Senator ANDREWS for the Committee on TAXATION on Bill "An Act to Increase the Tax Exemption on Church Parsonages"

S.P. 239 L.D. 569

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Overboard Discharge Law"

S.P. 388 L.D. 1033

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 CLARK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend the

Provisions in the Maine State Retirement System Laws Relating to Restoration to Service"

S.P. 335 L.D. 896

Senator EMERSON for the Committee on TAXATION on Bill "An Act to Amend the Tree Growth Law"

S.P. 230 L.D. 560

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Improve the Early Childhood Educational Plans Grants Program"

S.P. 63 L.D. 46

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-54).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-54) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Implement the Aroostook Band of Micmacs Settlement Act"

S.P. 152 L.D. 272

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-53).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-53) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Joint Select Committee on CORRECTIONS on Bill "An Act Relating to the Maine Correctional Advisory Commission" (Emergency)

S.P. 60 L.D. 43

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-52).

Signed:

Senators:

BUSTIN of Kennebec  
MATTHEWS of Kennebec  
PERKINS of Hancock

Representatives:

MAYO of Thomaston  
SMITH of Island Falls  
ANTHONY of South Portland  
MELENDY of Rockland  
MANNING of Portland  
DORE of Auburn

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

Signed:

Representatives:

GREENLAW of Standish  
STROUT of Windham  
LIBBY of Kennebunk  
HEPBURN of Skowhegan

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-52) 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 Change the Process of

Selecting the Commissioner of Educational and Cultural Services"

S.P. 205 L.D. 483

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland  
CARPENTER of York

Representatives:

LARRIVEE of Gorham  
WENTWORTH of Wells  
BEGLEY of Waldoboro  
MCCORMICK of Rockport  
ROTONDI of Athens  
HANLEY of Paris  
JOSEPH of Waterville

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

Signed:

Representatives:

DAGGETT of Augusta  
HEESCHEN of Wilton  
CAHILL of Mattawamkeag

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled  
1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

SECOND READERS

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

House

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

H.P. 611 L.D. 834

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

House As Amended

Bill "An Act to Provide Greater Power to the Maine District Court in Emancipation Proceedings"

H.P. 109 L.D. 146  
(C "A" H-71)

Bill "An Act to Amend How Municipalities Designate Court Officers"

H.P. 179 L.D. 244  
(C "A" H-69)

Bill "An Act to Amend the Small Claims Laws"

H.P. 267 L.D. 379  
(C "A" H-70)

Bill "An Act to Publicize the Identities of Environmental Law Violators"

H.P. 357 L.D. 477  
(C "A" H-75)

Bill "An Act to Amend the Litter Laws"

H.P. 360 L.D. 491  
(C "A" H-72)

Bill "An Act to Facilitate Conversion of the Maine State Retirement System Records to an Automated System"

H.P. 394 L.D. 525  
(H "A" H-68 to C "A" H-64)

Bill "An Act to Amend the Truck Laws"

H.P. 471 L.D. 636  
(C "A" H-74)

Bill "An Act to Clarify the Relationship Between Woodcutters and Landowners"

H.P. 541 L.D. 738  
(C "A" H-67)

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

Bill "An Act to Amend the Real Estate Licensure Laws"

H.P. 31 L.D. 31  
(C "A" H-73)

Which was READ A SECOND TIME.

On motion by Senator BALDACCI of Penobscot, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-73).

On further motion by same Senator, Senate Amendment "A" (S-56) to Committee Amendment "A" (H-73) READ and ADOPTED.

Committee Amendment "A" (H-73) as Amended by Senate Amendment "A" (S-56) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316  
(S "A" S-51 to C "A" H-51)

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

Sent down for concurrence.

Senate

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

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure"

S.P. 123 L.D. 189  
(C "A" S-47)

Bill "An Act to Amend the Uniform Partnership Act with Regard to Partnership Title in Real Estate"

S.P. 185 L.D. 342  
(C "A" S-48)

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  
(C "A" S-46)

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

Sent down for concurrence.

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  
(C "A" S-50)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate

RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-50).

On further motion by same Senator, Senate Amendment "A" (S-55) to Committee Amendment "A" (S-50) READ and ADOPTED.

Committee Amendment "A" (S-50) as Amended by Senate Amendment "A" (S-55) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.  
Sent down for concurrence.

ENACTORS

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

An Act to Return Certain Positions within the Department of Environmental Protection to Classified Service under the Civil Service Law

H.P. 177 L.D. 242

An Act to Include the Casco Bay Island Transit District under the Risk Management Division

H.P. 286 L.D. 398

(C "A" H-50)

An Act to Regulate Maternal Serum Alpha-fetoprotein Screening Programs

H.P. 301 L.D. 413

An Act to Change the Name of the Maine Committee on Problems of the Mentally Retarded and to Update the Definition of Mental Retardation

S.P. 195 L.D. 443

(C "A" S-33)

An Act to Amend the Occupational License Disqualification Law

S.P. 233 L.D. 563

(C "A" S-38)

An Act to Clarify Certain Provisions in the Maine State Retirement System Laws

S.P. 270 L.D. 698

(H "A" H-63)

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 Appropriating Funds to the Department of Educational and Cultural Services for Early Childhood Education

H.P. 23 L.D. 18

(C "A" H-43)

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

Emergency

An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1989

H.P. 91 L.D. 126

(C "A" H-46)

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 Change the Dates for Burial Eligibility at the Maine Veterans' Memorial Cemetery

H.P. 420 L.D. 585

(C "A" H-48)

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 Relating to Highway Construction and Maintenance Signs and Advertising Signs

H.P. 454 L.D. 619

(C "A" H-47)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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 Resolve

Resolve, to Study the Structure and Operations of the Legislature

H.P. 770 L.D. 1081

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This cost twenty thousand, four hundred dollars. Normally something like this is placed on the Table, but this was a promise that was made during the passage of the Supplemental Budget amongst ourselves and it is intended that it go through without it going to the Table. It is the study of the structure and operations of the Maine Legislature.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HOBBS of York, ADJOURNED until Tuesday, April 25, 1989, at 12:00 in the afternoon.