

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

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

The Chair laid before the House the following matter: Bill "An Act to Increase Eligibility Levels for the Low-Cost Drugs for the Elderly Program" (H.P. 976) (L.D. 1354) 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.

The Chair laid before the House the following matter: Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328) (Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby 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) was passed to be engrossed.

On motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Thursday, April 27, 1989.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions (S.P. 223) (L.D. 539) (C. "A" S-37) (Emergency) was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 539 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-109) and moved its adoption.

House Amendment "A" (H-109) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Representative Burke of Vassalboro, Adjourned until Thursday, April 27, 1989, at nine o'clock in the morning.

In Senate Chamber
 Wednesday
 April 26, 1989

Senate called to Order by the President.

Prayer by Reverend Bruce Felt of the Baptist Church in Augusta.

REVEREND FELT: Let us pray. Our Father in heaven, we give You thanks and praise for the gift of this beautiful day and for the privilege of serving You. Your word tells us that our governing officials are the ministers of God to us for good. Grant that in the deliberations and decisions of this day, it may be so. Thank You for this Body of men and women and their service to the State of Maine. May they be mindful that their work is done under God's watchful and loving care. For we pray in the name of our Saviour and Lord, Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create a Vocational-Technical Institute in York County"

H.P. 959 L.D. 1337

Bill "An Act to Expand Therapeutic Services for Foster Children who need Specialized Placement"

H.P. 963 L.D. 1341

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Protect Ground Water Quality and Public Health Through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills"

H.P. 968 L.D. 1346

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 Concerning Payment of Maine-issued Bank Cards"

H.P. 964 L.D. 1342

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 Protect Children from Illegal Tobacco Sales"

H.P. 970 L.D. 1348

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

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

Resolve, to Establish Statewide Secondary School Competency Examinations

H.P. 957 L.D. 1335

Bill "An Act to Improve and Enhance the Quality and Amount of Instructional Time for Students"

H.P. 967 L.D. 1345

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

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

Bill "An Act to Provide for Public Input and Comment Prior to the Adoption of Fishery Restoration and Management Plans"

H.P. 962 L.D. 1340

Bill "An Act Concerning Fishing Licenses for Developmentally Disabled Persons"

H.P. 965 L.D. 1343

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 Provide Funding for Homestead Land Trusts"

H.P. 933 L.D. 1299

Committee on TAXATION suggested and ORDERED PRINTED.

Come from the House referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Strengthen Maine's Restaurant Smoking Law"

H.P. 966 L.D. 1344

Come 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 Require Persons Convicted of Certain Crimes to be Tested for AIDS and the Results to be Released to the Victim"

H.P. 958 L.D. 1336

Come 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.

Bill "An Act to Require Municipalities to Leave the Names of Women Who Marry on Voting Registration Records"

H.P. 961 L.D. 1339

Come 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 Improve Public Access to Public Hearing Records of the Department of Environmental Protection and the Board of Environmental Protection"

H.P. 960 L.D. 1338

Come 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.

Resolve, Authorizing the Public Utilities Commission to Conduct a Study Concerning Electromagnetic Field Exposure

H.P. 969 L.D. 1347

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

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

Pursuant to Resolves
COMMISSION TO STUDY

THE STATUS OF NURSING PROFESSIONS IN MAINE

The COMMISSION TO STUDY THE STATUS OF NURSING PROFESSIONS IN MAINE, pursuant to Resolves 1987, Chapter 106, ask leave to submit its findings and to report that the accompanying Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine

H.P. 935 L.D. 1300

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

Come from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Resolves
COMMISSION TO STUDY

THE STATUS OF NURSING PROFESSIONS IN MAINE

The COMMISSION TO STUDY THE STATUS OF NURSING PROFESSIONS IN MAINE, pursuant to Resolves 1987, Chapter 106, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Status of Nursing Professions in Maine"

H.P. 956 L.D. 1324

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

Come from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication:

MAINE STATE RETIREMENT SYSTEM
STATE HOUSE STATION 46
AUGUSTA, MAINE 04333

January 4, 1989

Honorable John R. McKernan

Governor of Maine

State of Maine, Augusta

Members, 114th Legislature

Dear Governor McKernan and Members of the Legislature:
Enclosed herewith is a copy of the 1988 Annual Report of the Maine State Retirement System as required by

law (5 MRSA, §17102, sub-§10) and addressed to its members.

Sincerely,
S/John P. Bibber
Chairman
Board of Trustees

Maine State Retirement System

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

SENATE PAPERS

Bill "An Act to Equalize State Retiree Health Benefits"

S.P. 493 L.D. 1367

Presented by Senator CLARK of Cumberland
Cosponsored by Senator PERKINS of Hancock,
Representative CARROLL of Gray and Representative LISNIK of Presque Isle
Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities"

S.P. 494 L.D. 1368

Presented by Senator PERKINS of Hancock
Cosponsored by Representative FOSS of Yarmouth, President PRAY of Penobscot and Representative LISNIK of Presque Isle
Bill "An Act to Increase the Standard of Need for Aid to Families with Dependent Children" (Emergency)

S.P. 495 L.D. 1369

Presented by Senator CLARK of Cumberland
Cosponsored by Senator BRANNIGAN of Cumberland, Representative OLIVER of Portland and Representative BURKE of Vassalboro
Bill "An Act to Improve Foster Care in the State"

S.P. 497 L.D. 1371

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Senator PERKINS of Hancock, Representative CHONKO of Topsham and Representative FOSS of Yarmouth
Bill "An Act to Provide Funding for Transitional Living Programs"

S.P. 502 L.D. 1376

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative POULIOT of Lewiston, Representative ERWIN of Rumford and Representative HEPBURN of Skowhegan
Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Returned Check Charges"

S.P. 498 L.D. 1372

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative BURKE of Vassalboro
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (Emergency)

S.P. 496 L.D. 1370

Presented by Senator ESTES of York

Cosponsored by Representative ROLDE of York, Representative LAWRENCE of Kittery and Representative McPHERSON of Eliot
Bill "An Act to Restrict Use of Antifreeze or Other Toxic Agents on Lakes, Ponds and Streams"
S.P. 499 L.D. 1373

Presented by Senator BRAWN of Knox
Cosponsored by Senator COLLINS of Aroostook, Representative GREENLAW of Standish and Representative SIMPSON of Casco
Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat"

S.P. 501 L.D. 1375

Presented by Senator RANDALL of Washington
Cosponsored by Representative PENDELETON of Scarborough, Senator PERKINS of Hancock and Representative HEPBURN of Skowhegan
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Clarify Reporting Requirements for Induced and Spontaneous Abortions"

S.P. 500 L.D. 1374

Presented by Senator CAHILL of Sagadahoc
Cosponsored by Senator GAUVREAU of Androscoggin and Representative PINES of Limestone
Submitted by the Department of Human Services pursuant to Joint Rule 24.

Bill "An Act to Regulate Child Support Enforcement by the Department of Human Services"

S.P. 503 L.D. 1377

Presented by Senator BALDACCI of Penobscot
Cosponsored by Representative DUFFY of Bangor
Which were referred to the Committee on JUDICIARY 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 EDUCATION on Bill "An Act to Establish the Commissioner of Agriculture, Food and Rural Resources as an Ex Officio Member of the University of Maine System Trustees"

H.P. 424 L.D. 589

The Committee on EDUCATION on Bill "An Act to Encourage School Attendance"

H.P. 435 L.D. 600

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 BANKING AND INSURANCE on Bill "An Act to Repeal the Maine Health Security Act"

H.P. 535 L.D. 732

The Committee on EDUCATION on Bill "An Act to Provide for State Payment of Excessive Costs of Out-of-district Special Education Placements" (Emergency)

H.P. 86 L.D. 115

The Committee on EDUCATION on Bill "An Act Concerning Teacher Contracts"
H.P. 536 L.D. 733

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act Regarding the Consignment or Rental of Diseased Horses"

H.P. 350 L.D. 469

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend the Law to Provide for Appeal of Civil Contempt Orders"

H.P. 281 L.D. 393

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 STATE AND LOCAL GOVERNMENT on Resolve, Authorizing the Transfer of State Interest in a Parcel of Real Estate to Arthur A. Tukey and Louise H. Tukey

H.P. 589 L.D. 803

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-97).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-97) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Sales to Providers of Certain Support Systems for Single-parent Families"

H.P. 363 L.D. 494

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-95).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-95) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Amend the Municipal Public Employees Labor Relations Law"

H.P. 318 L.D. 434

Reported that the same Ought Not to Pass.

Signed:

Senator:

MATTHEWS of Kennebec

Representatives:

MCHENRY of Madawaska

RAND of Portland

PINEAU of Jay

TAMMARO of Baileyville

MCKEEN of Windham

LUTHER of Mexico

RUHLIN of Brewer

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-98).

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

REED of Falmouth

BUTLAND of Cumberland

MCCORMICK of Rockport

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

Which Reports were READ.

On motion by Senator MATTHEWS of Kennebec, 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 KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Pollution Abatement Grants Program"

S.P. 446 L.D. 1191

Senator ERWIN for the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide Honorably Discharged Maine Veterans of at Least 62 Years with Special Free Moose Permits"

S.P. 407 L.D. 1051

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

S.P. 244 L.D. 574

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 CLARK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Regarding Retirement Benefits for Confidential State Employees"

S.P. 363 L.D. 980

Change of Reference

Senator MATTHEWS for the Committee on LABOR on Bill "An Act to Protect the Rights of Citizens During Labor Disputes and to Protect the Right of Peaceful Picketing"

S.P. 472 L.D. 1269

Reported that the same be REFERRED to the Committee on LEGAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Amend the Lobbyist Reporting Law"
H.P. 490 L.D. 670

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

House As Amended

Bill "An Act to Establish an Exemption from the Seaweed Permit for Certain Noncommercial Harvesting"
H.P. 89 L.D. 124
(C "A" H-91)

Bill "An Act to Amend the Law Regarding Shoplifters"

H.P. 417 L.D. 582
(C "A" H-87)

Bill "An Act Relating to the Division of Southern York of the 10th Maine District Court"

H.P. 440 L.D. 605
(C "A" H-88)

Bill "An Act to Regulate Medical Wastes"

H.P. 512 L.D. 692
(C "A" H-90)

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

Senate As Amended

Bill "An Act Relating to the Establishment of Reserve Funds by School Administrative Units"

S.P. 250 L.D. 580
(C "A" S-57)

Which was READ A SECOND TIME and 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 Converting Baring Plantation into the Town of Baring

H.P. 278 L.D. 390
(C "A" H-62)

An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination

H.P. 373 L.D. 504

An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities

H.P. 384 L.D. 515

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

Emergency

An Act to Correct Errors in the County and Municipal Law Recodification

H.P. 859 L.D. 1199

On motion by Senator BERUBE of Androskoggin, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-60) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. This reinstates two positions of duties that have been traditionally carried out by notaries public at town meetings. Inadvertently, when the Recodification Bill, Title 30-A was rewritten they were omitted. What the notaries public has traditionally done is swear in newly elected officials at the town level, as well as, call town meetings if there is no selectmen present to do so or if they would unreasonably refuse to call a town meeting. So, it simply restores the duties of the notaries public. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-60) ADOPTED.

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

Sent down for concurrence.

Emergency Resolve

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

H.P. 870 L.D. 1213

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 FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1989 and Ratifying Franklin County's Use of Unappropriated Surplus to Pay Deficits

H.P. 872 L.D. 1215
(H "A" H-86)

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.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Increase the Number of Moose Permits Issued to Residents"

H.P. 197 L.D. 277

Majority - Ought to Pass As Amended by Committee Amendment "A" (H-65)

Minority - Ought Not to Pass

Tabled - April 25, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, April 25, 1989, Reports READ.)

(In House, April 24, 1989, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65) Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65).)

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

The Bill READ ONCE.

Committee Amendment "A" (H-65) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

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

Bill "An Act to Amend the Northern Maine General Hospital Charter to Operate Programs for Disadvantaged Individuals"

H.P. 537 L.D. 734
(C "A" H-83)

Tabled - April 25, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 25, 1989, READ A SECOND TIME.)

(In House, April 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"(H-83).)

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

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

SENATE REPORTS - from 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

Majority - Ought Not to Pass

Minority - Ought to Pass

Tabled - April 25, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator BERUBE of Androscoggin to ACCEPT Majority OUGHT NOT TO PASS Report (Division Requested).

(In Senate, April 24, 1989, Reports READ.)

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to mention at the outset, in reference to the comments that were made yesterday, that the State and Local Government Committee had only one work session on this Bill, I would like to comment that our Committee members are very assiduous at attending our hearings and work sessions. They come in promptly, thereby giving us some much needed extra time to work on Bills. So, we don't feel that sometimes we need three or four or maybe more work sessions. I was unaware that there was a rule that we were not limited to one. We put in serious work and we hear, during the public hearings as well as during the work sessions, both from proponents and opponents and everyone has always had ample time to get their message across to us. Sometimes after an excellent public hearing, many bills are ready to go out sometimes even with a ten to three report, as in this case this is a ten to three Ought Not to Pass. We did hold a very good and interesting work session on this Bill. I simply wanted to clarify that for the Record.

The purpose of my rising is to tell you why we should Accept the Ought Not to Pass Report. The purpose of this Bill is to reverse a current appointment procedure for the Commissioner of

Education's position only. There were two proponents, outside of the sponsor, and I think one of them was the Maine School Management Association. We heard in one of the arguments yesterday that seven states give the hiring authority to their State Education Board. I would like to point out that in those states, however, the Education Commissioner is not a member of the Governor's Cabinet.

I would also like to state one of my personal reasons for voting for the Majority Report, and I think most of the members that voted against it agreed to that, is that it takes away the Legislative review process and also the confirmation process. It takes it away from the Legislative position. This Bill would also make this Commissioner, this Department, the only department in state government to be subjected to this. The question arose and was never answered as to why just this Department? If the intent is to truly make appointments in a bipartisan manner, as we were told, maybe in order to achieve that purpose we should also make sure that members of the State Board of Education were nominated and appointed on a bipartisan basis.

We had a good hearing and there was not much discussion in the work session, because all minds were made up. I will reemphasize that in our Committee everyone is intelligent enough to make up their own minds and we take a vote after we have heard from all parties concerned and all sides of the issue. I would ask for you to go along with the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, please rise in their places and remain standing until counted.

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

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED.

Sent down for concurrence.

On motion by Senator ERWIN of Oxford, ADJOURNED until Thursday, April 27, 1989, at 9:00 in the morning.