

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

Stevens, A.; Strout, D.; Swazey, Tamaro, Tardy, Townsend, Tracy, Tupper, Walker.

ABSENT - Crowley, Dexter, Melendy, Stevens, P.; Telow, The Speaker.

EXCUSED - Mitchell.

Yes, 80; No, 64; Absent, 6; Paired, 0; Excused, 1.

80 having voted in the affirmative and 64 in the negative with 6 being absent and 1 excused, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent;

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association (S.P. 286) (L.D. 750) (S. "A" S-65 to C. "A" S-64)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Ketover of Portland, Adjourned until Monday, May 1, 1989, at nine o'clock in the morning pursuant to Joint Order (S.P. 512).

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

In Senate Chamber
Thursday
April 27, 1989

Senate called to Order by the President.

Prayer by Pastor Peter Inchcombe of the First Baptist Church in Hallowell.

PASTOR INCHCOMBE: Let us bow our heads in a word of prayer. As we pause this morning, O God, we are mindful of all of the blessings that we so often take for granted. We think of our health, our families, and our country and we just thank and praise You for these tremendous blessings this morning.

We pray for the President of the United States of America, the Vice-President, Congress, and those that serve throughout this land. We thank You especially for those that serve here, in this Senate in the State of Maine, who serve us, the people. We just ask in a very special way that Your presence might not only be felt here, but also that Your wisdom might be revealed, that common sense might prevail as those that have been chosen to serve the people served in this capacity.

We are mindful that whenever God's people sought the council of God, God was in favor of that. We just pray that at all times we might continuously seek Your wisdom, Your love, and Your grace. We just commit this session into Your hands, into Your keeping, praying for Your blessing upon each Senate member. For we ask all these things humbly and in the name of our Lord and Saviour, Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 512

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 1, 1989, at 9 o'clock in the morning.

Which was READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Encourage Recycling of Lead-acid Batteries"

H.P. 108 L.D. 145

(C "A" H-56)

In Senate, April 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56) AS AMENDED BY HOUSE AMENDMENT "A" (H-107), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Prohibit Persons Who have Violated the Animal Cruelty Laws from Participating in Pulling Events" (Emergency)

S.P. 167 L.D. 324
(C "A" S-35)

In Senate, April 11, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-35).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-35) AND HOUSE AMENDMENT "A" (H-108) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions" (Emergency)

S.P. 223 L.D. 539
(C "A" S-37)

In Senate, April 11, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37) AND HOUSE AMENDMENT "A" (H-109) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (Emergency)

S.P. 486 L.D. 1328

In Senate, April 25, 1989, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

(See Action Later Today)

House Papers

Bill "An Act Relating to the Boarding and Clothing of Foster Care Children"

H.P. 972 L.D. 1350

Bill "An Act to Appropriate Matching Funds for the Library at Eagle Island"

H.P. 974 L.D. 1352

Bill "An Act to Provide Additional Resources for School Nutrition Education"

H.P. 977 L.D. 1355

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

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

Bill "An Act to Increase Eligibility Levels for the Low-Cost Drugs for the Elderly Program"

H.P. 976 L.D. 1354

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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 Amending the Maine Board of Oil and Solid Fuel Dealers Law"

H.P. 973 L.D. 1351

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

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

Bill "An Act to Authorize County Commissioners to Provide Additional Facilities for Prisoners" (Emergency)

H.P. 978 L.D. 1356

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

Which was referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED, in concurrence.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby the Senate RECEDED and CONCURRED on:

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (Emergency)

S.P. 486 L.D. 1328

(In Senate, April 25, 1989, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.)

(In House, April 26, 1989, referred to the Committee on JUDICIARY and ORDERED PRINTED in NON-CONCURRENCE.)

On further motion by same Senator, the Senate INSISTED.

Sent down for concurrence.

Off Record Remarks

Resolve, to Study the Creation of a State Park at the Bangor Mental Health Institute Facility

H.P. 981 L.D. 1359

Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection"

H.P. 988 L.D. 1366

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

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

Bill "An Act to Protect the Sunapee Charr"

H.P. 985 L.D. 1363

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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

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

Bill "An Act to Amend the Law Relating to Commercial Whitewater Rafting"

H.P. 987 L.D. 1365

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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

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

Bill "An Act to Amend the Law Concerning Taxing of Costs in Civil Actions"

H.P. 980 L.D. 1358

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.

Bill "An Act to Amend the Charter of Hebron Academy" (Emergency)

H.P. 983 L.D. 1361

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

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

Bill "An Act to Increase the Penalty for Illegal Netting of Atlantic Salmon"

H.P. 979 L.D. 1357

Committee on FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.

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

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

Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment"

H.P. 975 L.D. 1353

Bill "An Act Creating a Homestead Tax Exemption for Maine Residents"

H.P. 982 L.D. 1360

Bill "An Act to Broaden the Level of Property Tax Assistance Available to Persons with Excessive Tax Burdens"

H.P. 984 L.D. 1362

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Maximum Valuations be Established for Residential, Current Use and Undeveloped Real Estate Based on a Replacement Cost Less Depreciation Method of Assessment

H.P. 986 L.D. 1364

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

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

Bill "An Act Concerning Insurance Required of Wreckers"

H.P. 971 L.D. 1349

Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

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

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in 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 Relating to Capital Expenditures for School Buildings"

H.P. 749 L.D. 1053

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the Hunting Laws"

H.P. 696 L.D. 948

The Committee on JUDICIARY on Bill "An Act to Make Public the Proceedings of the Board of Overseers of the Bar"

H.P. 545 L.D. 742

The Committee on LEGAL AFFAIRS on Bill "An Act to Allow Balloting by Political Party"

H.P. 453 L.D. 618

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 Concerning Violations for the Misbranding of Potatoes"

H.P. 246 L.D. 358

The Committee on AGRICULTURE on Bill "An Act to Allow the Refund of the Potato Grower Tax"

H.P. 482 L.D. 662

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Resolve Problems with State-funded Elderly Services Created by Revision in Federal Law and Regulation"

H.P. 565 L.D. 769

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend Certain Portions of the Maine Legislative Retirement System and the Maine Judicial Retirement System to Make Them Comparable to Similar Portions of the Maine State Retirement System Statutes"

H.P. 556 L.D. 754

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-99).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-99).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-99) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend the Definition of Teacher in the Laws Relating to the Maine State Retirement System" (Emergency)

H.P. 656 L.D. 890

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-93).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93) AND HOUSE AMENDMENT "A" (H-106).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-93) READ and ADOPTED, in concurrence.

House Amendment "A" (H-106) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Allow School Districts to Waive Up to 5 Days of Kindergarten for Screening"

H.P. 243 L.D. 355

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-101).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-101) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Provide Motor Vehicle Registration Plates to Surviving Spouses of Prisoners of War"

H.P. 570 L.D. 774

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-100).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-100) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Promote Coyote Control"

H.P. 146 L.D. 198

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-96).

Signed:

Senators:

ERWIN of Oxford

GOULD of Waldo

Representatives:

JACQUES of Waterville

CLARK of Millinocket

SMITH of Island Falls

ROTONDI of Athens

DUFFY of Bangor

WALKER of Norway

TRACY of Rome

GREENLAW of Standish

FARREN of Cherryfield

CARROLL of Southwest Harbor

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

Signed:

Senator:

ESTY of Cumberland

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-96).

Which Reports were READ.

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-96) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senate

Ought Not to Pass

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

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Revoke Driving Privileges of High School Dropouts"

S.P. 262 L.D. 652

Ought to Pass

Senator TWITCHELL for the Committee on AGRICULTURE on Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in Maine"

S.P. 357 L.D. 958

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Allow Automatic Teller Machines on the Maine Turnpike"

S.P. 403 L.D. 1047

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Increase the License Fees for Hospitals and Long-term Care Facilities"

S.P. 163 L.D. 320

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-61).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-61) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Concerning Transportation Expenses for Former AMHI Patients"

S.P. 246 L.D. 576

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-62).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-62) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Ensure Proper Representation on the Region II Crisis Intervention Program Advisory Board"

S.P. 325 L.D. 862

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-63).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-63) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Law to Provide for Appeal of Civil Contempt Orders"

H.P. 281 L.D. 393

Bill "An Act Regarding the Consignment or Rental of Diseased Horses"

H.P. 350 L.D. 469

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

House As Amended

Bill "An Act to Increase the Number of Moose Permits Issued to Residents"

H.P. 197 L.D. 277
(C "A" H-65)

(See Action Later Today)

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
(C "A" H-95)

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
(C "A" H-97)

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

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED AS AMENDED, in concurrence:

Bill "An Act to Increase the Number of Moose Permits Issued to Residents"

H.P. 197 L.D. 277
(C "A" H-65)

(In House, April 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65).)

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. I know that each person here has a right to their own opinion and some of us feel quite strongly concerning our fisheries and our animal life. I respect your opinion and I hope that any of my remarks that I may present to you in trying to convince you to vote for this Bill will not be objectionable to you.

Under the present statutes, the Commissioner of the Inland Fisheries and Wildlife has the authority to issue from zero to one thousand permits per year. Under this Bill, that would be increased from zero to fifteen hundred permits per year. Neither the present statute or this Bill orders the Commissioner to issue any specific number of permits. We are giving him a tool in which he can better run his Department and better govern and use the different things that we are all concerned about in order to preserve our wonderful state and to keep the many things that we enjoy so that our children and grandchildren can also enjoy.

Two years ago, the members of this Body who were present then, voted to confirm William J. Vail, as Commissioner of the Inland Fisheries and Wildlife Department. When they did this, they expressed their confidence in his capability, leadership, dedication,

and other qualities needed to run the Department. A Department that plays a leading role in preserving the many things that make our state such a great place to live not only for ourselves, but for our children and grandchildren.

There have been some comments made on how the estimates are made and how many moose we have. While they are fairly accurate, they don't tell the complete story. They fly over Maine and count the moose in different areas. Having the privilege, some years ago, when a group of the Fisheries and Wildlife Committee met in Greenville and were flown over the state and shown how the different counts of the moose and deer population was made, one of the Committee members wasn't able to attend and I was asked to go along with Representative Erwin, who was a member of the Committee for six years. Once the pilot of the plane, who was also a warden, showed us how the count is made and how to spot them, it didn't take me very long before I could spot them. While it isn't as scientific as we may like, there is an effort made to do it accurately.

The hunting zones in the year 1980 was twelve thousand, six hundred square miles, eight million, ninety-one thousand, four hundred acres, and the estimated moose population was twenty thousand. In the year 1985, the hunting zone was increased to seventeen thousand square miles, eleven million acres, and the estimated moose population was twenty-one thousand. In the year 1989, the hunting zone is the same as 1985 and the estimated moose population is twenty-three thousand, seven hundred and fifty.

Some people have raised the question as to how many moose have been killed in traffic accidents and while I haven't got the report for last year, I do have it from 1980-1987. In 1980, the number of moose killed in traffic accidents was one hundred and fifty-six. In 1986, the number was three hundred and sixteen. What does this indicate? Is our moose population declining or is our moose population increasing? To me it indicates that it is increasing.

The Commissioner doesn't make the decision on how many permits to give out by himself. The Commissioner has a very capable Advisory Board that is composed of members from different areas of the state to help him on this. He has a very capable staff and they help him on this. I, myself, think that when you give a person the responsibility to operate and run a Department, you should also give him the tools and the authority that he needs to effectively run that Department. I urge your support for this Bill.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED AS AMENDED, please rise in their places and remain standing until counted.

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

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

ENACTORS

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

An Act to Amend How Municipalities Designate Court Officers

H.P. 179 L.D. 244
(C "A" H-69)
An Act to Amend the Small Claims Laws
H.P. 267 L.D. 379
(C "A" H-70)
An Act to Publicize the Identities of Environmental Law Violators
H.P. 357 L.D. 477
(C "A" H-75)
An Act to Amend the Litter Laws
H.P. 360 L.D. 491
(C "A" H-72)
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)
An Act to Amend the Truck Laws
H.P. 471 L.D. 636
(C "A" H-74)
Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Off Record Remarks

Emergency
An Act Relating to the Dig-safe Law
H.P. 432 L.D. 597
(H "A" H-94; C "A" H-37)
This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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 Clarify the Relationship Between Woodcutters and Landowners
H.P. 541 L.D. 738
(C "A" H-67)
This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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 Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Hancock County
H.P. 611 L.D. 834
This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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 Sagadahoc County for the Year 1989

H.P. 871 L.D. 1214
This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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

Out of order and under suspension of the Rules, the Senate considered the following:
SENATE PAPERS
Resolve, to Improve Geriatric Health Care
S.P. 507 L.D. 1395
Presented by Senator GILL of Cumberland
Cosponsored by Representative DELLERT of Gardiner, Senator BRANNIGAN of Cumberland and Representative MANNING of Portland
Bill "An Act to Provide Educational Opportunities for York County"

S.P. 510 L.D. 1398
Presented by Senator GILL of Cumberland
Cosponsored by Senator ESTES of York, Representative ROLDE of York and Representative HIGGINS of Scarborough
Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay"
S.P. 509 L.D. 1397
Presented by Senator GILL of Cumberland
Cosponsored by Senator ESTES of York, Representative HANDY of Lewiston and Representative RYDELL of Brunswick
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 Protect Maine Workers from Needless Injury and Death by Creating the Offenses of Work-related Manslaughter and Work-related Aggravated Assault"
S.P. 508 L.D. 1396
Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative CONLEY of Portland and Representative RAND of Portland
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Making Changes to the Composition of the Governor's Advisory Council on Alcoholism"
S.P. 506 L.D. 1394
Presented by Senator BUSTIN of Kennebec

Cosponsored by Senator MATTHEWS of Kennebec, Representative ROLDE of York and Representative MAYO of Thomaston
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Amending the Tree Growth Tax Law to Dedicate Penalty Proceeds to Purchase Public Parks and Open Space"
S.P. 505 L.D. 1393
Presented by Senator HOLLOWAY of Lincoln
Which was referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Authorize Special Maine National Guard Motor Vehicle Registration Plates"
S.P. 504 L.D. 1392
Presented by Senator COLLINS of Aroostook
Cosponsored by Senator THERIAULT of Aroostook
Bill "An Act to Amend Certain Motor Vehicle Laws"
S.P. 511 L.D. 1399
Presented by Senator TWITCHELL of Oxford
Cosponsored by Representative POULIOT of Lewiston, Representative STROUT of Corinth and Representative MACOMBER of South Portland
Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED.
Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:
COMMITTEE REPORTS
Senate
Ought Not to Pass
The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:
Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Restrict the Disclosure of a Criminal Suspect's Identity"
S.P. 219 L.D. 535

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 HOBBS for the Committee on JUDICIARY on Bill "An Act Relating to the Admission of Federal Administrative Law Judges to the Maine Bar"
S.P. 273 L.D. 719

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:
COMMITTEE REPORTS
House
Ought to Pass As Amended
The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State

Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 657 L.D. 891
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-113).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-113) READ and ADOPTED, in concurrence.
Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.
Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Off Record Remarks

On motion by Senator DUTREMBLE of York, RECESSED until the sound of the bell.
After Recess
Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:
COMMITTEE REPORTS
Senate
Ought to Pass As Amended
Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Self-insurance Guarantee Association" (Emergency)

S.P. 286 L.D. 750
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-64).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-64) READ.
On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-65) to Committee Amendment "A" (S-64) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. The effect of Senate Amendment "A" (S-65) to Committee Amendment "A" (S-64) is to assign to the Legislative Council the authority for determining the resources necessary to conduct the study that is incorporated in this Bill. This is consistent with council policy for reviewing study requests from the Legislature's Joint Standing Committees. The Legislature's Part I Budget request, which we have already Enacted, includes funds for these council authorized studies, thus there is no additional fiscal impact, and that is consistent with the Statement of Fact incorporated in the Senate Amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-65) to Committee Amendment "A" (S-64) ADOPTED.

Committee Amendment "A" (S-64) as Amended by Senate Amendment "A" (S-65) thereto, ADOPTED.

Which was, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

ENACTORS

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

Emergency

An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989

H.P. 657 L.D. 891
(C "A" H-113)

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. The other day it came to our attention, in the Appropriations Committee, that two halfway houses for alcohol treatment were going to be forced to close their doors tomorrow if money was not provided. It was not a comfortable position for the Appropriations Committee to be pushed up against the wall like that with information which was of such short duration. It was particularly bad for me, as an individual, in light of the fact that we had come into our possession a memo that was dated January 18, 1989, to Commissioner Ives telling about the problems that existed and what was going to occur several months ago. They knew it, but we, the Appropriations Committee, didn't. The memo, in one of its parts of its recommendation, said "recommendation number one, please inform Republic Leadership so that they will not be unaware." Nobody else was informed, as far as I know. I think that is the wrong way to run alcohol treatment. We were disappointed, as a Committee, that on January 18, 1989, people knew about it, but we didn't know about it until the day before yesterday.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication: S.P. 514
114TH MAINE LEGISLATURE

April 27, 1989

Senator Edgar E. Erwin
Representative Paul F. Jacques
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Frank A. Gross of Cherryfield for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 3, M.R.S.A. Section 151, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

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

Which was READ and referred to the Committee on FISHERIES AND WILDLIFE.
Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association

S.P. 286 L.D. 750
(S "A" S-65 to C
"A" S-64)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 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.

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

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

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED, until Monday, May 1, 1989, at 9:00 in the morning.