

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

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

In Senate Chamber
Thursday
May 4, 1989

Senate called to Order by the President.

Prayer by Reverend Thomas Lawson-Looney of the First Universalist Church in Dexter.

REVEREND LAWSON-LOONEY: Let us pray. Power of life, we ask that You be with us today. Help us work well together so that we may be of benefit to the people of Maine. Strengthen us when we are tired; comfort us when we are discouraged. At the end of the day, may we have a deepened respect for ourselves, for others, and for our common task. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
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; H "A"
H-108)

In Senate, April 27, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-35) AND HOUSE AMENDMENT "A" (H-108), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-35) AND HOUSE AMENDMENT "B" (H-136) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services"

H.P. 1032 L.D. 1438

Bill "An Act to Increase Funding for Lobster Hatcheries"

H.P. 1035 L.D. 1446

Bill "An Act to Support a Chemicals in the Environment Information Center at the University of Maine at Orono"

H.P. 1037 L.D. 1448

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Undedication of Highway Funds

H.P. 1038 L.D. 1449

Resolve, to Provide Respite Care Services for Families of the Mentally Ill

H.P. 1042 L.D. 1453

Bill "An Act to Clarify the Borrowing Authority of the University of Maine System" (Emergency)

H.P. 1047 L.D. 1458

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for a Low-interest Loan Program for Sewerage System Access or Septic System Replacement"

H.P. 1049 L.D. 1460

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 Prohibit Possession of Improperly Labeled Beverage Containers"

H.P. 1029 L.D. 1435

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 the Commission to Study Alternative Education

H.P. 1051 L.D. 1462

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

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

Bill "An Act to Provide a Minimum Level of State Educational Funding for Schools"

H.P. 1033 L.D. 1439

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

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

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431

Resolve, to Study and Consolidate the Laws and Rules Regulating Campgrounds

H.P. 1043 L.D. 1454

Bill "An Act Concerning Solid Waste Management"

H.P. 1046 L.D. 1457

Bill "An Act to Ensure that Radioactive Air Emission Standards Are Adequate to Protect the Public Health and Safety"

H.P. 1050 L.D. 1461

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

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

Bill "An Act Relating to Doe Hunting Permits"

H.P. 1041 L.D. 1452

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 Laws Relating to Offers of Judgment"

H.P. 1030 L.D. 1436

Bill "An Act to Include Unlawful Insurance Sales Discrimination on the Basis of Handicap in the Maine Human Rights Act"

H.P. 1031 L.D. 1437

Bill "An Act to Provide Visitation and Custody Rights to Grandparents in Cases other than Divorce"

H.P. 1036 L.D. 1447

Bill "An Act to Require a Victim Impact Statement"

H.P. 1048 L.D. 1459
 Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.
 Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Increase Civil Service of Process Fees"
 H.P. 1027 L.D. 1433
 Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.
 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 Concerning Compensation for Sunday Employment"
 H.P. 1040 L.D. 1451
 Comes from the House referred to the Committee on LABOR and ORDERED PRINTED.
 Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Resolve, to Create a Commission to Study Crab Fishing in Maine
 H.P. 1034 L.D. 1440
 Bill "An Act Concerning the Location of Lobster Trap Vents" (Emergency)

H.P. 1039 L.D. 1450
 Come from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.
 Which were referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit the Town of Windham to Maintain and Repair Private Roads to Town Road Specifications"
 H.P. 1045 L.D. 1456
 Committee on TRANSPORTATION suggested and ORDERED PRINTED.
 Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
 Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Property Tax Relief to Elderly Persons"
 H.P. 1026 L.D. 1432
 Bill "An Act to Provide an Extension of the Filing Date for Tree Growth or Farm and Open Space Programs When a Municipality Undertakes a Revaluation of Property"
 H.P. 1028 L.D. 1434
 Bill "An Act to Provide Statewide Property Tax Relief"
 H.P. 1044 L.D. 1455
 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.

Joint Resolutions
 The Following Joint Resolution: H.P. 1052
 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RESTORE FUNDS TO THE VETERANS ADMINISTRATION FOR FISCAL YEAR 1989

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 Congress of the United States, as follows:

WHEREAS, the budget of the Veterans Administration for fiscal year 1989 contains a \$635,000,000 shortfall; and

WHEREAS, \$1,500,000 of the shortfall is in the budget of the Veterans Administration Medical and Regional Office Center at Togus, Maine; and

WHEREAS, the shortfall will impose hardships on the citizens of Maine, and will result in the loss or closing of the following programs and facilities:

1. A recently opened substance abuse program;
2. A 30-bed acute psychiatric ward;
3. Veterans without a service-connected disability may be turned away for lack of beds;
4. Some outpatient services will no longer be available to veterans without a service-connected disability;
5. Fewer veterans will be placed in community nursing homes at the Veterans Administration's expense; and
6. Drugs furnished to Togus patients will be limited to those listed in the Togus Drug Formulary; and

WHEREAS, these cutbacks will have an adverse impact on disabled veterans throughout Maine and will further have a negative effect on the expenditures of the State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Regular Session, do hereby respectfully urge and request the United States Congress to vote to grant additional funding for the purpose of restoring the \$635,000,000 shortfall in the Veterans Administration's budget for fiscal year 1989; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to 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.

SENATE PAPERS

Bill "An Act to Expand the Health Occupations Training Project"

S.P. 535 L.D. 1470
 Presented by Senator GILL of Cumberland
 Cosponsored by Representative DELLERT of Gardiner, Representative FOSS of Yarmouth and Representative BOUTILIER of Lewiston
 Bill "An Act to Enhance the Auditing and Fiscal Analysis Capabilities of the Maine Legislature"

S.P. 537 L.D. 1472
 Presented by Senator BUSTIN of Kennebec
 Cosponsored by President PRAY of Penobscot, Speaker MARTIN of Eagle Lake and Representative ROLDE of York
 Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to County Sheriffs"
 S.P. 536 L.D. 1471

Presented by Senator CAHILL of Sagadahoc
 Cosponsored by Representative SMALL of Bath,
 Representative HOLT of Bath and Representative
 CHONKO of Topsham
 Which was referred to the Joint Select Committee
 on CORRECTIONS and ORDERED PRINTED.
 Sent down for concurrence.

Resolve, to Establish the School Organization
 Study Committee

S.P. 534 L.D. 1469

Presented by Senator ESTES of York
 Cosponsored by Representative CROWLEY of Stockton
 Springs, Representative SMALL of Bath and Senator
 BOST of Penobscot
 Bill "An Act to Establish a Statewide Contract
 for Teachers"

S.P. 539 L.D. 1474

Presented by Senator DUTREMBLE of York
 Cosponsored by Speaker MARTIN of Eagle Lake and
 President PRAY of Penobscot
 Which were referred to the Committee on EDUCATION
 and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Implement, Administer and Enforce
 the United States Emergency Planning and Community
 Right-to-Know Act of 1986" (Emergency)

S.P. 540 L.D. 1475

Presented by Senator TITCOMB of Cumberland
 Cosponsored by Senator ERWIN of Oxford
 Which was referred to the Committee on ENERGY AND
 NATURAL RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Set Up Therapeutic Foster Homes"
 (Emergency)

S.P. 530 L.D. 1465

Presented by Senator GILL of Cumberland
 Bill "An Act to Prohibit the Irradiation Within
 the State of Food for Human or Animal Consumption"

S.P. 533 L.D. 1468

Presented by Senator TITCOMB of Cumberland
 Which were referred to the Committee on HUMAN
 RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Waive Restrictions on Certain
 Physicians"

S.P. 531 L.D. 1466

Presented by Senator GILL of Cumberland
 Bill "An Act to Facilitate the Expeditious
 Resolution of Certain Superior Court Cases"

S.P. 532 L.D. 1467

Presented by Senator BERUBE of Androscoggin
 Which were referred to the Committee on JUDICIARY
 and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act Concerning the Imposing and
 Collection of Fines for Motor Vehicle Infractions
 Pertaining to Rental Vehicles"

S.P. 538 L.D. 1473

Presented by Senator CAHILL of Sagadahoc
 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 FISHERIES AND WILDLIFE on Bill
 "An Act to Protect Fishing Resources in Certain
 Ponds"

H.P. 922 L.D. 1288

The Committee on JUDICIARY on Bill "An Act
 Regarding Damage from Industrial Fallout"

H.P. 673 L.D. 922

The Committee on LEGAL AFFAIRS on Bill "An Act to
 Enhance Enforcement of Municipal Parking Regulations"

H.P. 444 L.D. 609

The Committee on STATE AND LOCAL GOVERNMENT on
 Bill "An Act Concerning the Number of Terms Which a
 Legislator May Serve Consecutively in Either Chamber"

H.P. 737 L.D. 1014

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 BUSINESS LEGISLATION on Bill "An
 Act to Require Health and Safety Disclaimers on
 Television and Print Media Alcohol Advertisements"

H.P. 300 L.D. 412

The Committee on BUSINESS LEGISLATION on Bill "An
 Act Concerning Warranties for Manufactured Housing"

H.P. 605 L.D. 829

The Committee on ENERGY AND NATURAL RESOURCES on
 Bill "An Act to Establish Requirements for Monitoring
 the State's Waters"

H.P. 890 L.D. 1234

The Committee on JUDICIARY on Bill "An Act to
 Prevent Criminals from Profiting as an Indirect
 Result of Their Crime"

H.P. 355 L.D. 474

The Committee on LEGAL AFFAIRS on Bill "An Act to
 Further Competition with New Hampshire in the Liquor
 Trade"

H.P. 112 L.D. 149

Ought to Pass

The Joint Select Committee on CORRECTIONS on Bill
 "An Act to Authorize the Department of Corrections to
 Establish a Solid Waste Recycling Program"

H.P. 603 L.D. 827

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 APPROPRIATIONS AND FINANCIAL
 AFFAIRS on Bill "An Act Making Appropriations for
 Temporary Additional Staff to the Maine Arts
 Commission for the Percent for Art Program"

H.P. 343 L.D. 462

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-125).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-125).

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.
 Committee Amendment "A" (H-125) READ and ADOPTED,
 in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

The Committee on APPROPRIATIONS AND FINANCIAL
 AFFAIRS on Bill "An Act to Make Allocations from the
 Maine Nuclear Emergency Planning Fund for the Fiscal
 Years Ending June 30, 1990, and June 30, 1991"
 (Emergency)

H.P. 365 L.D. 496

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-126).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-126).

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-126) READ and ADOPTED,
 in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

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 MATTHEWS for the Committee on LEGAL
 AFFAIRS on Bill "An Act Authorizing Sale of Liquor
 Outside of Exclusive Territory"

S.P. 240 L.D. 570

Change of Reference

Senator GAUVREAU for the Committee on HUMAN
 RESOURCES on Bill "An Act to Revise the Eligibility
 Requirements for Elderly Low-cost Drug Recipients"
 (Emergency)

S.P. 183 L.D. 340

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

Which Report was READ and ACCEPTED.

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

Sent down for concurrence.

Ought to Pass

Senator PEARSON for the Committee on
 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act
 to Fund 2 Legislative Studies and to Extend the State
 Compensation Commission's Interim Reporting Date"
 (Emergency)

S.P. 529 L.D. 1463

Reported that the same Ought to Pass, pursuant to
 Joint Order S.P. 433.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator LUDWIG for the Committee on ENERGY AND
 NATURAL RESOURCES on 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

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 HOBBS for the Committee on JUDICIARY on
 Bill "An Act to Amend Certain Provisions of the Maine
 Bail Code"

S.P. 426 L.D. 1137

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 ERWIN for the Committee on FISHERIES AND
 WILDLIFE on Bill "An Act to Provide Complimentary
 Muzzle-loading Hunting Licenses to Resident Disabled
 War Veterans"

S.P. 231 L.D. 561

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-81) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

Senator ANDREWS for the Committee on HOUSING AND
 ECONOMIC DEVELOPMENT on Bill "An Act to Provide for
 the 1989 Allocations of the State Ceiling on Private
 Activity Bonds" (Emergency)

S.P. 336 L.D. 897

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-83) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

Divided Report

The Majority of the Committee on FISHERIES AND
 WILDLIFE on Bill "An Act Concerning Bear Hunting with
 Dogs"

S.P. 211 L.D. 489

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

Signed:

Senators:

ERWIN of Oxford

GOULD of Waldo

Representatives:

ROTONDI of Athens

DUFFY of Bangor

JACQUES of Waterville

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:

Representative:

SMITH of Island Falls

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (S-82) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Provide a Tax Exemption on the Property of Fish and Game Clubs"

S.P. 224 L.D. 540

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDREWS of Cumberland
BALDACCI of Penobscot
EMERSON of Penobscot

Representatives:

DIPIETRO of South Portland
CASHMAN of Old Town
DORE of Auburn
SEAVEY of Kennebunkport
NADEAU of Saco
WHITCOMB of Waldo
SWAZEY of Bucksport

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

Signed:

Representatives:

TARDY of Palmyra
DUFFY of Bangor
JACKSON of Harrison

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED.

Sent down for concurrence.

SECOND READERS

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

House As Amended

Bill "An Act to Establish Rules for the Use of Dynamite and Explosives"

H.P. 134 L.D. 178
(C "A" H-123)

Bill "An Act to Improve the Accountability and Allocation of Funds for Community-purchased Services"

H.P. 316 L.D. 432
(C "A" H-120)

Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 366 L.D. 497
(C "A" H-116)

Bill "An Act to Clarify Election Law Procedures"

H.P. 401 L.D. 545
(C "A" H-122)

Bill "An Act to Strengthen the Licensing Requirements for Foresters"

H.P. 584 L.D. 788
(C "A" H-114)

Bill "An Act Regarding Traveling Barbers"

H.P. 639 L.D. 873
(C "A" H-115)

Bill "An Act to Fund the Maine Hospice Council"

H.P. 646 L.D. 880
(C "A" H-121)

Bill "An Act Concerning The Passamaquoddy Tribal Court"

H.P. 651 L.D. 885
(C "A" H-118)

Bill "An Act to Remove Legislative Review from Certain Air Quality Standards"

H.P. 665 L.D. 907

(C "A" H-124)

Bill "An Act to Establish a Statewide Program of Community-based Heart Attack and Stroke Prevention Programs"

H.P. 708 L.D. 969
(C "A" H-117)

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

Bill "An Act to Enhance the Economic Corridor Action Grant Program" (Emergency)

H.P. 758 L.D. 1062
(C "A" H-132)

Which was 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

Senate

Bill "An Act to Amend the Protection From Harassment Laws"

S.P. 275 L.D. 721

Bill "An Act to Require a County Jailer to Return List of Prisoners"

S.P. 422 L.D. 1133

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

Sent down for concurrence.

Off Record Remarks

ENACTORS

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

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
(H "A" H-110)

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

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

An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards

H.P. 533 L.D. 718
(C "A" H-102)

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
(C "A" H-99)

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

An Act to Promote Coyote Control

H.P. 146 L.D. 198
(C "A" H-96)

On motion by Senator ERWIN of Oxford, placed on the SPECIAL FISHERIES AND WILDLIFE TABLE, pending ENACTMENT.

Emergency
An Act Relating to the Maine Correctional
Advisory Commission

S.P. 60 L.D. 43
(S "A" S-58 to C "A"
S-52)

On motion by Senator BRANNIGAN of Cumberland,
placed on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Emergency

An Act to Allow School Districts to Waive Up to 5
Days of Kindergarten for Screening

H.P. 243 L.D. 355
(C "A" H-101)

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 Provide Motor Vehicle Registration
Plates to Surviving Spouses of Prisoners of War

H.P. 570 L.D. 774
(C "A" H-100)

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 Amend the Definition of Teacher in the
Laws Relating to the Maine State Retirement System

H.P. 656 L.D. 890
(C "A" H-93; H "A"
H-106)

On motion by Senator BRANNIGAN of Cumberland,
placed on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Emergency Resolve

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

H.P. 989 L.D. 1378

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.

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

Senator PEARSON: Thank you Mr. President. Mr.
President, men and women of the Senate. As we, in
this Maine Legislature, struggle to make imperfect
laws we have become, and always have been, a family

of people drawn from all corners of this blessed
state. I regret to inform the members of the Senate
that Representative Thomas Cahill of Mattawamkeag was
called home to the only perfect law maker this
morning.

Senate at Ease
Senate called to order by the President.

ORDERS OF THE DAY

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

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

S.P. 168 L.D. 325
(C "A" S-45)

Tabled - May 3, 1989, by Senator CLARK of
Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED
(In Senate, May 3, 1989, RECONSIDERED PASSAGE TO
BE ENGROSSED AS AMENDED.)

(In House, April 27, 1989, PASSED TO BE ENACTED.)
On motion by Senator CLARK of Cumberland, the
RULES WERE SUSPENDED BY UNANIMOUS CONSENT.

On further motion by same Senator, Senate
Amendment "A" (S-80) READ and ADOPTED.

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

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator PEARSON of Penobscot,
RECESSED until 10:30 this morning.

After Recess
Senate called to order by the President.

Off Record Remarks

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 Enhance the Economic Corridor Action
Grant Program

H.P. 758 L.D. 1062
(C "A" H-132)

This being an Emergency Measure and having
received the affirmative vote of 28 Members of the
Senate, with No Senators having voted in negative,
and 28 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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988" (Emergency)

S.P. 101 L.D. 120

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-84).

Signed:

Senators:

ESTY of Cumberland
MATTHEWS of Kennebec

Representatives:

RAND of Portland
LUTHER of Mexico
TAMMARO of Baileyville
PINEAU of Jay
RUHLIN of Brewer
MCHENRY of Madawaska
MCKEEN of Windham

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-85).

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

MCCORMICK of Rockport
BUTLAND of Cumberland
REED of Falmouth

Which Reports were READ.

Senator ESTY of Cumberland moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) Report.

Senator WHITMORE of Androscoggin requested a Division.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. We have before us a Divided Report, not the first of which will come out of the Labor Committee throughout this Session I am sure. This particular piece of legislation, if you are unfamiliar with it, from a federal act specifies that the Governor will be able to appoint nine positions. It identifies the areas of the business of the community in which those positions shall come from.

The Minority Report suggests that the power rest with the Governor, the Governor being elected by the people of the entire State of Maine, and obviously, when chosen as Governor represents a given philosophy, whether it be this Governor or any other Governor to follow him in the future. It is the feeling of the minority signers of the jacket that the power should rest with the Governor and that it should not be preempted by this legislation. I would ask that you consider voting against the motion on the floor. Thank you.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The Human Resources Development Council is made up of thirty people. The Amendment that we are dealing with, deals with nine of the people on that Human Resource Development Council. The nine people were mandated by the federal legislation to come from labor and community based organizations. The Governor, by Executive Order, has appointed five labor people and four community based people to the Council of

thirty. The Amendment simply puts into statute that the division of nine will be five labor people and four community based people. We would like in the future to be sure that those parties are equally and fairly represented. A future Governor could, in fact, appoint nine community based people or nine labor people and we would like it to be fair and reasonable on both sides. It is something that the Governor is presently doing and agrees to. We are not taking away any authority on how to choose these people or any authority of the Governor to choose the people. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) Report.

A Division has been requested.

Will all those Senators in favor of the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) 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.

13 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-84) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED TO SECOND READING.

Off Record Remarks

On motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Friday, May 5, 1989, at 12:00 in the afternoon.