

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 II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, May 25, 1989.

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

In Senate Chamber
Wednesday
May 24, 1989

The Chair laid before the House the sixth tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (4) "Ought to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H.P. 808) (L.D. 1120)

TABLED - May 23, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and specially assigned for Thursday, May 25, 1989.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Carroll of Gray, Adjourned until Thursday, May 25, 1989, at 8:15 in the morning.

Senate called to Order by the President.

Prayer by Reverend Richard Honaker of the Church of Christ in Augusta.

REVEREND HONAKER: Let us pray. Our eternal Father in heaven, we come before Your throne this day recognizing that from everlasting to everlasting You are God and that before You the generations of men rise and fade away. We give thanks to You for every good and perfect gift that You have bestowed upon us, because of Your great love for us. We are indeed grateful for Your creation, for this world in which we live, for the United States of America, and for the great State of Maine.

Father, today we would ask that You bless this Senate. Help these servants of the people, that they might have the wisdom to know what is right, that they might have the courage and support of the people to do what is right in Your eyes.

Father, this day we would pray for grace, kindness, and a spirit of charity to prevail in these moments. May Your name be glorified, may peace prevail.

Father, we pray that You would continue to bless the United States of America, the State of Maine, and this Senate. Through Christ Jesus our Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Create a Statewide Uniform Salary and Uniform Qualifications for Sheriffs"

S.P. 303 L.D. 801

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Revise Compensation for Members of the Maine Human Rights Commission"

S.P. 355 L.D. 956

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 to 4 Years

S.P. 392 L.D. 1037

Leave to Withdraw

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

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Resolve, to Provide Certified Nursing Assistant Training at the Central Maine Vocational-Technical Institute

S.P. 343 L.D. 913

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Promote the Image of Nursing in Maine"

S.P. 574 L.D. 1602

Senator EMERSON for the Committee on TAXATION on Bill "An Act to Require that All Interest on Blueberry Tax Funds Accrue to the Blueberry Tax Account"

S.P. 225 L.D. 541

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Amend the Adult Protective Services Act"

S.P. 435 L.D. 1152

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-142).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-142) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBSINS for the Committee on JUDICIARY on Bill "An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation"

S.P. 220 L.D. 536

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-149).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-149) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBSINS for the Committee on JUDICIARY on Bill "An Act Regarding High-speed Chases"

S.P. 310 L.D. 815

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-143).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-143) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTY for the Committee on LABOR on Bill "An Act to Amend the Maine Human Rights Act Pertaining to Discrimination Because of Previous Assertion of a Claim Under the Workers' Compensation Act"

S.P. 258 L.D. 648

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-147).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-147) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing

S.P. 70 L.D. 59

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-144).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-144) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Require the Reporting of Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal"

S.P. 193 L.D. 430

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-145).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-145) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-146).

Signed:

Senators:

BERUBE of Androscoggin

ESTY of Cumberland

CARPENTER of York

Representatives:

LARRIVEE of Gorham

JOSEPH of Waterville

HEESCHEN of Wilton

BEGLEY of Waldoboro

WENTWORTH of Wells

ROTONDI of Athens

DAGGETT of Augusta

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

Signed:

Representatives:

MCCORMICK of Rockport

HANLEY of Paris

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-146) READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-146).

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Low-level Radioactive Waste Authority Laws"

H.P. 369 L.D. 500

(C "A" H-230)

Bill "An Act to Make Allocations for Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 470 L.D. 635

(C "A" H-228)

Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of

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

H.P. 531 L.D. 716
(C "A" H-223)

Bill "An Act to Repair the Chain of Ponds' Dam"

H.P. 755 L.D. 1059
(C "A" H-229)

Bill "An Act to Amend the Law on Home Construction Contracts"

H.P. 921 L.D. 1287
(C "A" H-225)

Bill "An Act to Establish a Technical Services Program in the Local Soil and Water Conservation Districts"

H.P. 1018 L.D. 1419
(C "A" H-231)

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

Senate As Amended

Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (Emergency)

S.P. 354 L.D. 955
(C "A" S-141)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-141).

On further motion by same Senator, Senate Amendment "A" (S-151) to Committee Amendment "A" (S-141) READ and ADOPTED.

Committee Amendment "A" (S-141) as Amended by Senate Amendment "A" (S-151) thereto, ADOPTED.

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

Off Record Remarks

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on BANKING AND INSURANCE on Bill "An Act to Strengthen the Regulation of Insurance"

S.P. 155 L.D. 275

REPORT - Ought to Pass As Amended by Committee Amendment "A" (S-140)

Tabled - May 23, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, May 23, 1989, Report READ.)

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

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

Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (Emergency)

H.P. 358 L.D. 478
(C "A" H-164)

Tabled - May 23, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, May 23, 1989, READ A SECOND TIME.)

(In House, May 18, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

Bill "An Act to Prohibit Injurious Hazing of Public School Students"

S.P. 420 L.D. 1131

Tabled - May 23, 1989, by Senator ESTES of York.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, May 23, 1989, READ A SECOND TIME.)

On motion by Senator ESTES of York, Senate Amendment "A" (S-148) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Bill "An Act to Provide Dealership Protection to Farm Equipment and Machinery"

S.P. 358 L.D. 959

Tabled - May 23, 1989, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-137)

(In Senate, May 23, 1989, Committee Amendment "A" (S-137) READ.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-137).

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to State Personnel Administration"

S.P. 100 L.D. 119

(C "A" S-104)

In Senate, May 11, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104) AS AMENDED BY HOUSE AMENDMENT "A" (H-271), thereto in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

Senate at Ease

Senate called to order by the President.

House Papers

Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation"

H.P. 1214 L.D. 1686

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 Lobster and Crab Fishing License Law"

H.P. 1215 L.D. 1687

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.

Joint Orders

The following Joint Order: H.P. 1216
 ORDERED, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a bill "An Act Establishing the Affordable Housing Partnership Act of 1989" to the House.
 Comes from the House READ and PASSED.
 Which was READ and PASSED, in concurrence.

Senate at Ease

Senate called to order by the President.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$49,500,000 for Construction and Renovation of Correctional Facilities"
 S.P. 608 L.D. 1702
 Presented by Senator PERKINS of Hancock
 Cosponsored by Representative GREENLAW of Standish, Senator BUSTIN of Kennebec and Representative MELENDY of Rockland
 Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development
 S.P. 607 L.D. 1701
 Presented by Senator RANDALL of Washington
 Cosponsored by Representative TOWNSEND of Eastport, Representative TAMMARO of Baileyville and Representative MOHOLLAND of Princeton
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
 Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Continue the Strategic Training for Accelerated Reemployment Program" (Emergency)
 S.P. 606 L.D. 1700
 Presented by Senator COLLINS of Aroostook
 Cosponsored by Senator DUTREMBLE of York, Representative TAMMARO of Baileyville and Representative REED of Falmouth
 Which was referred to the Committee on LABOR and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Relieve the Burden of Property Taxes Through Creation of the Property Tax Relief Fund"
 S.P. 605 L.D. 1699
 Presented by Senator COLLINS of Aroostook
 Cosponsored by Representative WHITCOMB of Waldo, Representative SEAVEY of Kennebunkport and Representative JACKSON of Harrison
 Which was referred to the Committee on TAXATION and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Amend the Charter of the Canton Water District"
 S.P. 609 L.D. 1703
 Presented by Senator ERWIN of Oxford
 Cosponsored by Representative PINEAU of Jay, Representative MILLS of Bethel and Senator TWITCHELL of Oxford
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
 Which was referred to the Committee on UTILITIES 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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Enhance the Natural Fish Die-off Clean-up Program"
 H.P. 207 L.D. 287
 The Committee on STATE AND LOCAL GOVERNMENT on Resolve, Concerning a Right-of-way Across the Elizabeth Levinson Center in Bangor
 H.P. 403 L.D. 546
 The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require Government Agencies to Notify the Public and Local Officials of Potential Public Land Purchases"

H.P. 701 L.D. 962
 The Committee on STATE AND LOCAL GOVERNMENT on Resolve, Directing the Bureau of Human Resources to Study Certain State Employee Classifications

H.P. 712 L.D. 973
 The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require the Bureau of Purchases to Purchase Those Products Made Only in The United States"

H.P. 792 L.D. 1104
 The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Standardize the Compensation and Appointment Practices for Senior State Managers"

H.P. 907 L.D. 1264
 The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require State Agencies to Pay Contractual Agencies a Late Charge for Delinquent Payments"

H.P. 915 L.D. 1281
 The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Permit Private Educational Institutions of Higher Learning to Make Purchases through the State Purchasing Agent"
 H.P. 938 L.D. 1306

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 Require Physicians Providing Medicare Services to Bill Secondary Payors Directly for Balances Due"

H.P. 379 L.D. 510
 The Committee on BANKING AND INSURANCE on Bill "An Act to Increase the Office of the Public Advocate's Involvement in Insurance Rating"

H.P. 460 L.D. 625
 The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Workers' Compensation Insurance Laws to Encourage Safety in the Workplace"

H.P. 654 L.D. 888
The Committee on BANKING AND INSURANCE on Bill "An Act Regarding Physician Insurance Rates"

H.P. 833 L.D. 1165
The Committee on BANKING AND INSURANCE on Bill "An Act to Require Health Insurance Carriers to Inform Parents of Benefit and Other Information"

H.P. 928 L.D. 1294
The Committee on BUSINESS LEGISLATION on Bill "An Act to Regulate the Use of Water Glass Adhesive on Shipping Labels"

H.P. 946 L.D. 1314
The Joint Select Committee on CORRECTIONS on Bill "An Act to Provide Full Reimbursement to Counties for Capital Expenditures for Buildings Attributable to the Community Corrections Program"

H.P. 582 L.D. 786
The Joint Select Committee on CORRECTIONS on Bill "An Act Concerning the Permitted Uses of Funds Received by Counties as Reimbursement for Housing Certain Prisoners"

H.P. 641 L.D. 875
The Committee on EDUCATION on Bill "An Act Guaranteeing Each School Administrative Unit a Minimum State Share of Operating Costs"

H.P. 416 L.D. 581
The Committee on MARINE RESOURCES on Bill "An Act to Amend the Nonresident Clamming License Laws"

H.P. 1078 L.D. 1500
The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow the Town of Standish to Plow and Sand Certain Private Roads"

H.P. 186 L.D. 251
The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Deorganize the Town of New Portland"

H.P. 231 L.D. 315
The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning Municipal Harbor Commissioner Employment Requirements"

H.P. 322 L.D. 438
The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Remove the Jurisdiction of the County Commissioners over Municipal Roads"

H.P. 613 L.D. 836
The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Make Changes in the Law Relating to Quasi-municipal Charter Changes"

H.P. 773 L.D. 1085
The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Authorizing Changes to the Budget Process in York County"

H.P. 904 L.D. 1261

Ought to Pass

The Committee on EDUCATION on Bill "An Act to Better Incorporate Vocational Education into High School Graduation Requirements"

H.P. 784 L.D. 1096
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 Clarify the Provisions of the Act to Protect Elderly, Infirm Persons from Improvident Transfers of Title to Property"

H.P. 548 L.D. 745
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 LEGAL AFFAIRS on Resolve, to Create the Commission to Study Public Financing of State Elections

H.P. 653 L.D. 887
Reported that the same Ought to Pass.
Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.
The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State" (Emergency)

H.P. 1019 L.D. 1420
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 MARINE RESOURCES on Bill "An Act Concerning the Location of Lobster Trap Vents" (Emergency)

H.P. 1039 L.D. 1450
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 TAXATION on Bill "An Act Providing Conformity with the United States Internal Revenue Code Under the Maine Income Tax Law for 1988" (Emergency)

H.P. 782 L.D. 1094
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 BANKING AND INSURANCE on Bill "An Act to Amend the Revised Maine Securities Act and Related Statutes"

H.P. 189 L.D. 254
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-198).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-237) AND "B" (H-275).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
 Committee Amendment "A" (H-198) READ and ADOPTED in NON-CONCURRENCE.
 House Amendment "A" (H-237) READ and ADOPTED, in concurrence.
 House Amendment "B" (H-275) READ and ADOPTED, in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act Regulating the Sale of Grave Markers by Funeral Establishments"

H.P. 434 L.D. 599
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-241).
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241).
 Which Report was READ and ACCEPTED, in concurrence.
 The Bill READ ONCE.
 Committee Amendment "A" (H-241) READ and ADOPTED, in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws"

H.P. 702 L.D. 963
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-240).
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240).
 Which Report was READ and ACCEPTED, in concurrence.
 The Bill READ ONCE.
 Committee Amendment "A" (H-240) READ.
 On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-240), in concurrence.

The Committee on EDUCATION on Bill "An Act to Create the Youth-at-Risk Alternative Education Program"

H.P. 585 L.D. 789
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-250).
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250).
 Which Report was READ and ACCEPTED, in concurrence.
 The Bill READ ONCE.
 Committee Amendment "A" (H-250) READ and ADOPTED, in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program" (Emergency)

H.P. 618 L.D. 841
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-222).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222).
 Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
 Committee Amendment "A" (H-222) READ and ADOPTED, in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Clarify the Payment of Medical Expenses under the Workers' Compensation Act"

H.P. 678 L.D. 929
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-239).
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239).
 Which Report was READ and ACCEPTED, in concurrence.
 The Bill READ ONCE.
 Committee Amendment "A" (H-239) READ and ADOPTED, in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Lorraine Gray to Bring a Civil Action Against the State of Maine and Individual Past and Present Employees of the Department of Human Services

H.P. 54 L.D. 75
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-243).
 Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243).
 Which Report was READ and ACCEPTED, in concurrence.
 The Resolve READ ONCE.
 Committee Amendment "A" (H-243) READ and ADOPTED, in concurrence.
 The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages"

H.P. 228 L.D. 312
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-247).
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247).
 Which Report was READ and ACCEPTED, in concurrence.
 The Bill READ ONCE.
 Committee Amendment "A" (H-247) READ and ADOPTED, in concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Oscar and Wandalyne Rae Thompson to Bring Suit Against the State of Maine

H.P. 266 L.D. 378
 Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-245).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-245) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities"

H.P. 544 L.D. 741

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-233).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-233) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act Regarding Political Party Enrollment"

H.P. 709 L.D. 970

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-246).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-246).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-246) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Allow the Sale of Alcoholic Beverages in Bowling Centers"

H.P. 832 L.D. 1164

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-244).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-244) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Increase the Recording Fees for Services Rendered by the County Offices of Registry of Deeds"

H.P. 371 L.D. 502

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-248).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-248) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Require Mandatory Checking of Motorists' Maintenance of Financial Responsibility"

H.P. 284 L.D. 396

Reported that the same Ought to Pass.

Signed:

Senators:

THERIAULT of Aroostook
COLLINS of Aroostook

Representatives:

JOSEPH of Waterville
CURRAN of Westbrook
TRACY of Rome
KETOVER of Portland
ERWIN of Rumford
DONALD of Buxton
GARLAND of Bangor
RYDELL of Brunswick
RAND of Portland
ALLEN of Washington

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

Signed:

Senator:

BUSTIN of Kennebec

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

On motion by Senator THERIAULT of Aroostook, the Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Prohibit Smoking in Hospitals"

H.P. 728 L.D. 1005

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-232).

Signed:

Senator:

RANDALL of Washington

Representatives:

MANNING of Portland
ROLDE of York
BOUTILIER of Lewiston
BURKE of Vassalboro
DELLERT of Gardiner
HEPBURN of Skowhegan
PENDLETON of Scarborough

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

Signed:

Senators:

GAUVREAU of Androscoggin
TITCOMB of Cumberland

Representatives:

PEDERSON of Bangor
CLARK of Brunswick
CATHCART of Orono

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-232).

Which Reports were READ.

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

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I rise this afternoon to support the Majority Report of the Human Resources Committee and urge that you would favor this legislation as Amended. You might prosper a bit to look at what this legislation does. The Bill, as Amended, does not prohibit smoking in hospitals, rather it prohibits smoking by staff, smoking by visitors, and restricts smoking by patients. Patients would be permitted to smoke in a designated area if an order is written by a physician permitting the patient to smoke. Eight hospitals in Maine now have such a policy. The Maine Hospital Association supports this legislation. In fact, at our public hearing on the Human Resources Committee, not a single person opposed the Bill. The Maine Legislature, in prior years, has acted aggressively to protect Maine citizens from known health hazards associated with secondhand smoke. Smoking is not permitted in retail stores, in jury rooms, on public transportation, or in any public area of a publicly owned building. Hospitals, it would seem, should be the first place to prohibit smoking, not the last. If we have chosen to protect the most vulnerable citizens in our society, in other locations, children with asthma, adults with emphysema, shouldn't we also protect these citizens in hospitals where they seek their medical care?

This Bill should not be viewed as about the right of smokers to have a cigarette in times of high stress, for they can always walk outside the hospital door and do this. This Bill is about the right to ensure a smoke free environment in Maine's primary health care facilities and local hospitals. I would urge that you reject the motion to Accept the Ought Not to Pass Report and would allow me to move the Majority Ought to Pass as Amended Report of the Committee. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I rise in support of Acceptance of the Minority Ought Not to Pass Report for the following reasons. First, let me state that there is little, if anything, contained in the remarks of the good Senator from Washington, Senator Randall, with which I would disagree. I think there is general concurrence not only amongst the members of the Joint Standing Committee on Human Resources, but I strongly suspect amongst the members of the Maine Legislature, that we ought to, in fact, encourage a smoke free environment in our hospitals and health care institutions throughout the state.

However, it should be pointed out, in fact, it must be pointed out, that there is absolutely nothing in Maine law which would prohibit or in any way restrict the ability, or capacity, of Maine hospitals to restrict smoking in their environment at the

present time. Clearly, it is within the authority of all hospitals to prohibit smoking, should they so desire. I know that some hospitals in our state have, in fact, adopted non-smoking policies.

To me, it is truly ironic that today we are being asked by the Hospital Association, itself, to mandate that no smoking be permitted within the confines of our hospitals. I have spent the better part of the last four years hearing impassioned and I think logical presentations by members of the hospital community inveighing against efficacy of state regulations, i.e. state mandates. So, it is with some degree of irony that I listen to the presentation by the Hospital Association asking us to mandate that we don't allow smoking in hospital environments.

It seems to me that the present legislation is a bit unrealistic and probably unenforceable. The Majority Report would prohibit smoking in hospitals with the exception that patients of hospitals would be allowed to smoke tobacco products provided that those patients received written permission slips from their treating physician. During the course of the hearing, it struck me that there were several situations which might arise which would make this legislation impractical. For example, we have a close friend, or relative, of someone severely injured in a traumatic automobile accident. The person is transported by ambulance to the hospital. The relative, shall we say, is a chain smoker and, obviously, is highly agitated and very nervous. There is a long period of emergency surgery for the friend and the visitor has to wait for several hours. Assume further, if you will, that the accident takes place on January 15, and it is twenty-five degrees below zero in the middle of a storm. I just suggest to you that asking that visitor, that relative, to have to go outside the hospital to smoke a cigarette when they are in the throws of severe emotional distress, is just a tad unrealistic and I dare say unenforceable. I seriously doubt if any hospital would make a major effort to enforce the statute in that scenario.

More to the point, it seems to me that hospitals clearly have the ability now to make appropriate regulations to restrict the consumption or use of tobacco products within their environment. During the work sessions on this measure, members of the minority did discuss allowing hospitals the freedom to at least designate certain areas in the hospital where, be it, employees or visitors or whomever would be allowed to smoke tobacco products. This seems to me to be a much more practical approach.

In this situation, I truly and honestly believe this legislation is unnecessary. It seems to me, with all due respect to the people who support this legislation, that the legislation was really geared to a public relations campaign. If you will note, the effective date on this legislation is November 16, 1989. That is the date that the members of the Hospital Association would announce that we would have a smoke free environment in our hospitals. Clearly, if the situation were so grave and so serious that people were being victimized and being exposed to these tobacco products, I suggest that we ought not to wait until November 16, 1989, but wait until this afternoon and put an emergency enactor on the Bill. Clearly, hospitals can do now what is proposed in this legislation and for that reason I view this as unnecessary legislation and would urge you to Accept the Minority Ought Not to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. It seems to me that failure to Enact this piece of legislation would be a giant step backward in our efforts to curtail smoking. The good Senator from Androscoggin, Senator Gauvreau, has indicated that he finds it unusual that the hospital industry seeks a legislative remedy when they so generally oppose regulation. It seems to me that in this instance they are the leaders of health care, if you will, in this country. It seems most unfortunate that they provide a facility where people go to get well that permits smoking on the premises. By statute, in retail establishments of five thousand feet or less we currently do not permit smoking. In restaurants we have rules regarding designated areas that you may and may not smoke in. We have, as I noted the other day, a Bill that provides for no smoking in covered malls. I find it a paradox that we would consider not enacting this legislation today. Thank you Mr. President.

Senator COLLINS of Aroostook requested a Division.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge you also to vote against the pending motion and to vote with the majority members of the Human Resources Committee on this Bill. Ladies and gentlemen, I probably couldn't put it any better than the Senator from Aroostook, Senator Collins. In many cases, we have seen the public come forward to the Legislature and ask for assistance to help further the progressive efforts toward a smoke free society. We know the ill effects of smoking. Those in the health care field certainly know of those ill effects and this Legislature knows of the costs involved with smoking in our society. This particular measure is supported by the Maine Lung Association and it is supported by citizens across the state. It is a good Bill and it makes no sense to kill this Bill. I would ask you to vote for those that want to have a healthy environment to work in and especially those in our health care professions. Let's assist the hospitals in doing what we, as a Legislature, know is right and just. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority 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.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

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

The Bill READ ONCE.

Committee Amendment "A" (H-232) READ.

Senator CLARK of Cumberland moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senator PEARSON of Penobscot requested a Division.

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

Senator BRANNIGAN: Thank you Mr. President. I would like to pose a question through the Chair. Is

it true that this Bill would prohibit smoking in a mental health institute in this state?

THE PRESIDENT: The Senator from Cumberland, Senator Brannigan, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. With respect to the question posed by the good Senator from Cumberland, Senator Brannigan, it is my understanding that this legislation would effect all of Maine's hospitals, including the Augusta Mental Health Institute and Bangor Mental Health Institute. Therefore, unless the resident were to have secured the written authorization from his or her treating physician, smoking would not be allowed.

On motion by Senator CLARK of Cumberland, ADJOURNED until Thursday, May 25, 1989, at 9:00 in the morning.