

MAINE STATE LEGISLATURE

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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

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

In Senate Chamber
 Thursday
 May 25, 1989

Senate called to Order by the President.

Prayer by Pastor Ronald McLaughlin of the Getchell Street United Baptist Church in Waterville.

PASTOR MCLAUGHLIN: Let us pray. Gracious Lord, You have called each and everyone of us together to be active for Your creation, for Your people here in Maine. May this session here today, Lord, be filled with Your wisdom, filled with Your spirit, that those who are in the decision-making process may make decisions that are for the benefit of Your people here in Maine.

We pray this, Lord, both for the people and for those gathered here today, because we know that You, as creator, are in control not only of our individual acts, but of all of the lives of all the people in the State of Maine. Grant us Your wisdom, Your peace, and Your grace, Lord. We pray this in Your name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "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)

In Senate, May 4, 1989, PASSED TO BE ENACTED, in concurrence.

Returned to the House, May 16, 1989, by the Governor, together with his objections.

Comes from the House, Bill and Accompanying Papers RECOMMITTED to the Committee on ENERGY AND NATURAL RESOURCES in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Create the Commission to Study the Possibility of Including the Cost of Environmental Impacts in the Least-cost Planning Process of Electrical Utilities and the Public Utilities Commission" (Emergency)

S.P. 158 L.D. 306
 (C "A" S-116)

In Senate, May 18, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "A" (H-260), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases"

S.P. 330 L.D. 867

(C "A" S-103)

In Senate, May 11, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103) AS AMENDED BY HOUSE AMENDMENT "A" (H-257), thereto in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

HOUSE REPORT - from the Committee on HUMAN RESOURCES on Bill "An Act to Restrict Smoking in Enclosed Shopping Malls"

H.P. 751 L.D. 1055

Report - Ought to Pass as Amended by Committee Amendment "A" (H-190).

In House, May 17, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190).

In Senate, May 19, 1989, READ A SECOND TIME.

In Senate, May 22, 1989, Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator GAUVREAU of Androscoggin, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Fund and Implement Collective Bargaining Agreements with Certain Maine Vocational-Technical Institute System Employees Represented by the Maine Teachers Association" (Emergency)

H.P. 1222 L.D. 1694

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

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

Bill "An Act to Create the Maine Family Development Foundation" (Emergency)

H.P. 1226 L.D. 1698

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

On motion by Senator PEARSON of Penobscot, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Establish the School Finance Act of 1989"

H.P. 1220 L.D. 1692

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 Relating to Hunting and Fishing Licenses"

H.P. 1221 L.D. 1693

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 Establish a Program to Prevent Spousal Impoverishment" (Emergency)

H.P. 1224 L.D. 1696

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

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

Bill "An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws"

H.P. 1225 L.D. 1697

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 Authorize Department of Transportation Bond Issues in the Amount of \$21,000,000 to Match Available Federal Funds for Highway, State and Local Bridges, Harbor and Airport Improvements"

H.P. 1223 L.D. 1695

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.

Pursuant to the Statutes

Committee on AUDIT AND PROGRAM REVIEW

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes, Title 3 Chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

H.P. 1217 L.D. 1689

Be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to the Statutes

Committee on AUDIT AND PROGRAM REVIEW

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes, Title 3 Chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Programs of State Government under the Maine Sunset Laws" (Emergency)

H.P. 1218 L.D. 1690

Be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to the Statutes

Committee on FISHERIES AND WILDLIFE

The Committee on FISHERIES AND WILDLIFE, pursuant to the Maine Revised Statutes, Title 12 section 7035, subsection 4, paragraph B ask leave to submit its findings and to report that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1219 L.D. 1691

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES

ONE HUNDRED AND FOURTEENTH LEGISLATURE

May 24, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Daniel J. Callahan, Sr., of Mechanic Falls for appointment as member to the Low-level Radioactive Waste Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10
NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Daniel J. Callahan, Sr. of Mechanic Falls, for appointment as member to the Low-level Radioactive Waste Authority be confirmed.

Sincerely,

S/Sen. Judy C. Kany
Michaud
Senate Chair

S/Rep. Michael
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Daniel J. Callahan, Sr. of Mechanic Falls, for appointment as member to the Low-level Radioactive Waste Authority, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators ANDREWS, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, WHITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator BALDACCI

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Daniel J. Callahan, Sr., for appointment as member to the Low-level Radioactive Waste Authority, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance"

S.P. 611 L.D. 1705

Presented by Senator COLLINS of Aroostook
Cosponsored by Representative CURRAN of Westbrook, Senator THERIAULT of Aroostook and Representative RAND of Portland
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Definition of Labels in the Beverage Container Deposit Law"

S.P. 610 L.D. 1704

Presented by Senator WHITMORE of Androscoggin
Cosponsored by Representative ALLEN of Washington, Senator BALDACCI of Penobscot and Representative TELOW of Lewiston
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Law Concerning the Reimbursement Rates for General Adult Courses Offered by Adult and Community Education Programs"

S.P. 612 L.D. 1707

Presented by Senator CAHILL of Sagadahoc
Cosponsored by Representative SMALL of Bath, Senator PEARSON of Penobscot and Representative CARTER of Winslow
Which was referred to the Committee on EDUCATION and ORDERED PRINTED.
Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

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 HUMAN RESOURCES on Bill "An Act to Impose a 90-day Residency Requirement for Receipt of General Assistance"

H.P. 1105 L.D. 1538

The Committee on TAXATION on Bill "An Act to Eliminate Tax Increases Attributable to the 1988 Maine Individual Income Tax Law" (Emergency)

H.P. 931 L.D. 1297

The Committee on TAXATION on Resolve, Creating a Commission to Study Commodity Taxes on Farmers (Emergency)

H.P. 1081 L.D. 1503

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

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

On motion by Senator BRANNIGAN of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Ought to Pass

The Committee on JUDICIARY on Bill "An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Unlawful Furnishing"

H.P. 825 L.D. 1157

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-273).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-273) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Consolidate the Township of Misery-Sapling Gore into Adjoining Townships"

H.P. 772 L.D. 1084

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 AGING, RETIREMENT AND VETERANS on Bill "An Act to Authorize the Bureau of Veterans' Services to Provide Assistance to Vietnam Veterans"

H.P. 33 L.D. 33

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-235).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235) AS AMENDED BY HOUSE AMENDMENT "A" (H-274) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-235) READ.

House Amendment "A" (H-274) to Committee Amendment "A" (H-235) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-235) as Amended by House Amendment "A" (H-274) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide for Public Bell Ringing on Veterans Day"

H.P. 991 L.D. 1380

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-249).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-249) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Bill "An Act to Amend the Animal Welfare Laws"

H.P. 397 L.D. 528

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-251).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-251) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Bill "An Act Regarding Dangerous Dogs"

H.P. 630 L.D. 853

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-255).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-255) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Bill "An Act to Strengthen the Penalties against Those Who Intentionally Mislabeled Foods as Natural or Organic"

H.P. 644 L.D. 878

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

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-254) READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-254), in concurrence.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 522 L.D. 707

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-256).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-256) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Improve Regulatory Oversight of Health Maintenance Organizations"

H.P. 205 L.D. 285

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-259).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-259) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act Relating to Collision Damage Waivers for Rented Motor Vehicles"

H.P. 149 L.D. 201

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-242).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-242) READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-242), in concurrence.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Increase the Penalties for Selling Game and Make Them Uniform"

H.P. 918 L.D. 1284

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-252).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-252) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act Concerning Special Marine Resources Permits"

H.P. 520 L.D. 705

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-258).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-258) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Permit Municipalities to Set Lower Debt Limitations"

H.P. 874 L.D. 1217

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-253).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-253) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission"

S.P. 71 L.D. 60

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-153).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-153) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Strengthen the Social Worker Training and Education Requirements"

S.P. 178 L.D. 335

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-152).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-152) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Insure Maintenance of Financial Responsibility by All Motorists"

S.P. 172 L.D. 329

Reported that the same Ought Not to Pass.

Signed:

Senators:

THERIAULT of Aroostook

BUSTIN of Kennebec

Representatives:

RYDELL of Brunswick

KETOVER of Portland

ERWIN of Rumford

GARLAND of Bangor

TRACY of Rome

RAND of Portland

JOSEPH of Waterville

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

Signed:

Senator:

COLLINS of Aroostook

Representatives:

CURRAN of Westbrook

DONALD of West Buxton

ALLEN of Washington

Which Reports were READ.

Senator THERIAULT of Aroostook moved to ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to ask you not to Accept the Majority Report on this issue. I have before and would like again to commend the Senator from Aroostook, Senator Theriault, and his Committee for the fine work that they have done in the past two or three years on the mandatory auto insurance legislation.

As you know, it has taken fifty years for Maine to decide that it is a requirement for drivers to have insurance. We passed, for the first time, a mandatory insurance Bill in the last Legislature and it went into effect a year ago last January. The Bill was not strong. The Committee decided they wanted to make the Bill as gentle as they could, and they did, and it has worked. Many, many people have gone out to buy insurance. People who surprised insurance companies, people that were good risks, but had decided that they would take the risk and not purchase insurance.

I am speaking because I am the sponsor of this Bill. All I ask that we do is tighten it up just a little bit so that it won't be quite so gentle. People have had the opportunity now to know the law exists, that the state now says it is wrong, that it is against the law, to drive without insurance. But, the law is so gentle that it says if you are caught without insurance, you may go to your insurance company, purchase insurance, and there will be no charge in court. I want to change that. I would ask you to join me and some others in changing that, tighten it up, so that if someone is caught without insurance you are charged and found guilty if that is

the case. I would ask you to join with me and others in voting against the pending motion of Ought Not to Pass, so that the Ought to Pass Report can be introduced. Thank you.

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

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to begin by lauding the good Senator from Cumberland, Senator Brannigan, for his efforts, in the past, in trying to get this piece of legislation into law. Like he said, it took some fifty years in order for this Bill to pass. He has been a champion of that cause for a great number of years. That Bill had been presented by him on several occasions and did not pass.

This particular Bill before us right now, would require an individual who was stopped for some moving violation, by a police officer, to be summonsed to court and pay a penalty of fifty dollars. The Committee felt that this was not necessary at this time for the following reasons: First of all, before we instituted the mandatory auto insurance law, we had in the vicinity of about eighty-five percent of all residents of Maine who voluntarily purchased auto insurance. By passing this law, we bettered that to about ninety-one percent, which was a six percent increase in participation, which is rather substantial. What is interesting is that we have some states that have very stringent requirements in that particular area and those states that have those stringent requirements really have no better participation than our system here in Maine. It had been rumored that one of the states had better participation than ninety-one percent, but it was just a rumor brought forth by one person unsubstantiated, so I don't know if the information was accurate. Based on the information that we have from the Department of Motor Vehicle, they agreed that the participation was ninety-one percent.

It is difficult for some people to purchase the insurance and that is probably the main reason why they do not purchase the policy. If it is difficult for them to purchase the basic policy, do you think that charging them an extra fifty dollars in court will make it any easier for them to get that insurance? This means they will be fifty dollars short trying to purchase that insurance. We intentionally set the law up a few years ago in such a way that there were these loopholes. We knew that we had to take another look at this law sometime in the future. This is why we have a sunset on the law of 1991, whereby at that time we should have better information, better statistics to make a better decision on how we should proceed in putting more teeth into the law. But in the meantime, I would urge this Body to let the law ride its course until 1991 where we will take another look at it and determine if we need to change it. So, I ask you to please support the Majority Ought Not to Pass Report, primarily because the law we have on the books right now is working. 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. My good friend, the Senator from Aroostook, Senator Theriault, correctly describes what has happened since we enacted the legislation in the last session. There has been an increase in the number of motorists that now own insurance and I am pleased to learn that. He is also correct when he suggests that the number has increased approximately six percent. The unfortunate part is that we haven't quite gone

far enough. As the good Senator from Cumberland, Senator Brannigan, has indicated, this is a modest proposal that is before us today.

Essentially, what it does is it says to people, buy your insurance before the fact, not after the fact. It doesn't go to the extreme point of suggesting that insurance be a provision of registration. In other words, that when you register your vehicle, you must show proof of insurance at that time. It doesn't go that far. But, it does say that you must have insurance at the time that you are stopped for a moving violation or an accident or for some other purpose and that you can't go and buy it afterwards in time to negate your court appearance.

It seems to me that if we are serious about making sure that people are protected, that we ought to take this extra step. Let me suggest to you what happened last year. In 1988, state troopers issued six hundred and thirty-nine summonses for failure to provide proof of insurance. Only two hundred and seventy-nine were found guilty and paid a fine. The other three hundred and sixty went out and bought insurance twenty-four hours before their court appearance and negated the prosecution. It made it rather simple for people to buy it after the fact, rather than before the fact. In those cases where people were hurt or injured or property was damaged, it didn't help the victims at all. It seems to me that this is a modest approach, it will help and it deserves your support today. Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I listened intently to the good Senator from Aroostook, Senator Collins', description of how he views the Bill. The problem that I have is that I don't understand what happens to a person who is picked up and doesn't have insurance for anything. They discover that they don't have insurance under the proposals of the Senator from Cumberland, Senator Brannigan. Let's assume that you get picked up for speeding and they find out that you don't have insurance. What happens then?

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. At the present time, under the present law, someone picked up will be summonsed to court on that charge of driving without insurance, as well as what other charges there may be. They then can go out and purchase insurance and that will be dropped. Under the current proposal, which I would like to have you accept, that would not be so. They could not have that loophole. The reason I believe that this is important is, yes we have, by saying its against the law to drive without insurance, enticed a lot of people to buy insurance who didn't have it. I don't want to see this law fall into disrepute, I think it has been a year and a half, people have had their opportunity to keep it so gentle and so easy. I would like this law to be strengthened in 1991. I think this small requirement will keep it whole and safe until 1991 when more serious matters can be looked at and chosen. Thank you.

Senator BRANNIGAN of Cumberland requested a Division.

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. I would like an answer to the question that I posed. I understand what happens now. What I would like to know is what

happens if this law goes into effect? A person gets picked up for speeding, they discover that he has no insurance. What happens under the proposal? I did not receive an answer to my question.

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

The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. That person would be charged and if found guilty would have to submit to whatever the judge submitted. It would probably be a fine of approximately fifty dollars.

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

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. I think we need to remind ourselves what the main objective of this Bill is. It certainly, in my mind, is not a vehicle so that police officers could chalk up so many cases that they won in court. That is not the purpose of this law. The main purpose of this law is to urge motorists in this state to get and purchase auto insurance and it is doing this without hurting them too badly. Maybe in two years, we will decide to change it, but in the meantime we should give it an opportunity to work before we have to re-analyze it. Thank you.

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

A Division has been requested.

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

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

6 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator THERIAULT of Aroostook, to ACCEPT the Majority OUGHT NOT TO PASS Report, FAILED.

The Minority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Require Mandatory Checking of Motorists' Maintenance of Financial Responsibility" H.P. 284 L.D. 396

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

Resolve, to Create the Commission to Study Public Financing of State Elections H.P. 653 L.D. 887

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

Bill "An Act to Better Incorporate Vocational Education into High School Graduation Requirements" H.P. 784 L.D. 1096

Bill "An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State" (Emergency) H.P. 1019 L.D. 1420

Bill "An Act Concerning the Location of Lobster Trap Vents" (Emergency) H.P. 1039 L.D. 1450

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

House As Amended

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 (C "A" H-243)

Resolve, Authorizing Oscar and Wandalyne Rae Thompson to Bring Suit Against the State of Maine H.P. 266 L.D. 378 (C "A" H-245)

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 (C "A" H-248)

Bill "An Act Regulating the Sale of Grave Markers by Funeral Establishments" H.P. 434 L.D. 599 (C "A" H-241)

Bill "An Act to Create the Youth-at-Risk Alternative Education Program" H.P. 585 L.D. 789 (C "A" H-250)

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 (C "A" H-222)

Bill "An Act to Clarify the Payment of Medical Expenses under the Workers' Compensation Act" H.P. 678 L.D. 929 (C "A" H-239)

Bill "An Act Regarding Political Party Enrollment" H.P. 709 L.D. 970 (C "A" H-246)

Bill "An Act to Allow the Sale of Alcoholic Beverages in Bowling Centers" H.P. 832 L.D. 1164 (C "A" H-244)

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

Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages" H.P. 228 L.D. 312 (C "A" H-247)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities" H.P. 544 L.D. 741 (C "A" H-233)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State" (Emergency) H.P. 1019 L.D. 1420

Bill "An Act to Amend the Revised Maine Securities Act and Related Statutes"

H.P. 189 L.D. 254
(C "A" H-198;H "A"
H-237;H "B" H-275)

Which was READ A SECOND TIME.

On motion by Senator THERIAULT of Aroostook, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-198).

The same Senator further moved the INDEFINITE POSTPONEMENT of Committee Amendment "A" (H-198), in concurrence.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I would like an explanation of the motion before us.

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

The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. What this Amendment did was it added a fiscal note to the Bill. The fiscal note was prepared in error by the Fiscal Office. This was changed by the House Amendment and, consequently, the Committee Amendment is in error and should not be part of this Bill. Thank you.

On motion by same Senator, Committee Amendment "A" (H-198) INDEFINITELY POSTPONED.

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

Senate As Amended

Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing

S.P. 70 L.D. 59
(C "A" S-144)

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
(C "A" S-145)

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
(C "A" S-149)

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
(C "A" S-147)

Bill "An Act Regarding High-speed Chases"

S.P. 310 L.D. 815
(C "A" S-143)

Bill "An Act to Amend the Adult Protective Services Act"

S.P. 435 L.D. 1152
(C "A" S-142)

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

Sent down for concurrence.

ENACTORS

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

An Act to Prohibit Smoking in Enclosed Areas on Ferries

H.P. 176 L.D. 241
(C "A" H-200)

An Act to Amend the School Finance Act to Clarify that Certain Educational Costs Provided to Special Populations are Allowable Special Education Costs

S.P. 148 L.D. 268
(C "A" S-122)

An Act to Certify and Register Municipalities under the Site Location of Development Act

S.P. 164 L.D. 321
(C "A" S-114)

An Act to Require 5 Commissioners in York County

H.P. 287 L.D. 399
(C "A" H-204)

An Act to Authorize the Maine Court Facilities Authority to Accept Gifts and Contributions

H.P. 378 L.D. 509
(C "A" H-208)

An Act Relating to the Sale of Fraternal Life Benefit Certificates and Life Insurance by Funeral Directors and Cemetery Corporations

H.P. 601 L.D. 825

An Act to Clarify the Laws Relating to Marriage

H.P. 676 L.D. 925
(C "A" H-162;H "A"
H-224)

An Act to Transfer the Licensing Function from the Bureau of Mental Health to the Department of Mental Health and Mental Retardation

H.P. 746 L.D. 1029

An Act to Reclassify Surface Waters of the State

H.P. 747 L.D. 1030
(C "A" H-191)

An Act to Increase the Compensation for Part-time Deputy Sheriffs

H.P. 788 L.D. 1100
(C "A" H-209)

An Act to Amend the Law Incorporating the Milo Water District

H.P. 1101 L.D. 1534

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 Encourage Development and Use of Community Corrections Programs

H.P. 370 L.D. 501
(C "A" H-207)

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

An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1987

H.P. 691 L.D. 943
(C "A" H-199)

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

Resolve

Resolve, Directing Various Agencies of State Government to Assess their Policies Regarding Learning Disabilities

S.P. 369 L.D. 993
(C "A" S-121)

Which was FINALLY PASSED and having been signed

by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend Department of Transportation Statutory Provisions Pursuant to the Surface Transportation and Uniform Relocation Assistance Act of 1987 Enacted by the Congress of the United States
S.P. 375 L.D. 999
(C "A" S-117;S "A" S-125)

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 Maine Human Rights Act with Regard to Housing Discrimination against Families with Children

S.P. 457 L.D. 1242
(C "A" S-115)

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. Does this item say that you cannot refuse to rent to families with children, period. Or does it allow some leeway?

I don't want to be obstructive here, but I used to own an apartment house and I rented to families with children, as I think I should. Except for one time when the family arrived there was a kid who had a box of crayons and headed for my walls and I said I didn't want them. Does this allow me to continue to do that?

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

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I don't claim to be an expert on this subject, but I did watch the progress of this Bill. It is my opinion that this is merely technical, making Maine laws confirm with federal laws.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Request the Department of Corrections to Undertake a Probation Systems Management Study

S.P. 62 L.D. 45
(C "A" S-120)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was

presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate:

Bill "An Act to Prohibit Smoking in Hospitals"
H.P. 728 L.D. 1005

In Senate, May 24, 1989, Reports READ. Motion to ACCEPT Minority Ought Not to Pass Report FAILED. Majority OUGHT TO PASS AS AMENDED Report ACCEPTED. Committee Amendment "A" (H-232) READ. Motion by Senator CLARK of Cumberland to INDEFINITELY POSTPONE Bill and Accompanying Papers (Division Requested).

In House, May 23, 1989, 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).

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-157) to Committee Amendment "A" (H-232) READ.

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 will be very brief. This Amendment attempts to allay the concerns raised by members of this Body about our state facilities. Let me just read from the statement of fact. "This amendment to the Committee Amendment excludes state institutions from the provisions of the bill. The patients at the Augusta Mental Health Institute and the Bangor Mental Health Institute have longer lengths of stay than patients in acute care hospitals and the imposition of the provisions of the original bill in these institutions would be likely to cause substantial disruption and hardship." So, I would move your strong acceptance of this Amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-157) to Committee Amendment "A" (H-232) ADOPTED.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

Will all those Senators in favor of the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, 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 16 Senators having voted in the negative, the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Committee Amendment "A" (H-232) as Amended by Senate Amendment "A" (S-157) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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 Provide More Legislative Oversight of Agency Rulemaking"
S.P. 187 L.D. 344

Senator BALDACCI for the Committee on TAXATION on Bill "An Act to Alleviate the Tax Burden when Property is Destroyed by Fire"
S.P. 448 L.D. 1210

Ought to Pass As Amended

Senator HOBBS for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Acupuncturist Licensing Law"
S.P. 327 L.D. 864

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-150).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-150) READ and ADOPTED.
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
An Act to Amend the Records Management Laws
S.P. 245 L.D. 575
(C "A" S-113)

An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under the Municipal Employees Labor Relations Law
S.P. 260 L.D. 650
(C "A" S-112)

An Act Concerning the Reporting of Alleged Child Abuse
H.P. 638 L.D. 872
(C "A" H-189)

An Act to Facilitate Treatment of Abused and Neglected Children
H.P. 745 L.D. 1028
(H "A" H-216 to C "A" H-138)

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 Clarify Parties Which May Petition the Board of Environmental Protection for a Water Level Hearing
H.P. 426 L.D. 591
(C "A" H-193)

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

An Act to Establish a Temporary Water Management Resources Board
S.P. 265 L.D. 655
(C "A" S-96)

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

An Act to Ensure that the Department of Environmental Protection Receives Adequate Technical Assistance from Natural Resource Review Agencies
H.P. 649 L.D. 883
(C "A" H-194)

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

An Act to Require Periodic Reports on the Percentage of the Gasoline Tax That Is Due to Boating Use
H.P. 669 L.D. 917
(C "A" H-195)

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

Emergency
An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information
S.P. 179 L.D. 336
(S "A" S-119 to C "A" S-101)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency
An Act Concerning the Regulatory Authority of the Department of Marine Resources
H.P. 604 L.D. 828
(C "A" H-196)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency
An Act To Amend the Growth Management Laws
H.P. 631 L.D. 854
(C "A" H-192)
On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency
An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers
H.P. 744 L.D. 1027
(C "A" H-188)

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

Emergency
An Act to Amend the Charter of Hebron Academy
H.P. 983 L.D. 1361
This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative,

and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the Tabled and Specially Assigned matter:
Bill "An Act Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015

Tabled - May 24, 1989, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-146)

(In Senate, May 24, 1989, Committee Amendment "A" (S-146) READ.)

On motion by Senator BERUBE of Androscoggin, Senate Amendment "A" (S-155) to Committee Amendment "A" (S-146) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment stipulates that the physician to be considered, as the Director of the Bureau of Health, would have to have certain credentials other than the medical degree, i.e. experience and education in the field of public administration. It could also be any other person who also has the credentials of education and experience in the field of public administration. That would include nurses, who might have the necessary experience to so fill that post. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-155) to Committee Amendment "A" (S-146) ADOPTED.

Committee Amendment "A" (S-146) as Amended by Senate Amendment "A" (S-155) thereto, ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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 24, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT
(In Senate, May 23, 1989, Report READ.)

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-140) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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 24, 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.)
Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.
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 24, 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 until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-137).

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

Bill "An Act Relating to State Personnel Administration"

S.P. 100 L.D. 119

(C "A" S-104)

Tabled - May 24, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

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

(In House, May 23, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104) AS AMENDED BY HOUSE AMENDMENT "A" (H-271), thereto in NON-CONCURRENCE.)

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Off Record Remarks

On motion by Senator WHITMORE of Androscoggin, RECESSED until 5:00 this afternoon.

After Recess

Senate called to order by the President.

Senator CLARK of Cumberland requested and received Leave of the Senate to allow Members to remove their jackets during Senate Sessions for the remainder of this First Regular Session of the 114th Maine Legislature.

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

SECOND READERS

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

House As Amended

Bill "An Act Concerning Special Marine Resources Permits"

H.P. 520 L.D. 705
(C "A" H-258)

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 522 L.D. 707
(C "A" H-256)

Bill "An Act to Permit Municipalities to Set Lower Debt Limitations"

H.P. 874 L.D. 1217
(C "A" H-253)

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

Senate As Amended

Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission"

S.P. 71 L.D. 60
(C "A" S-153)

Bill "An Act to Strengthen the Social Worker Training and Education Requirements"

S.P. 178 L.D. 335
(C "A" S-152)

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

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

SECOND READERS

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

Senate

Bill "An Act to Insure Maintenance of Financial Responsibility by All Motorists"

S.P. 172 L.D. 329

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.
Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Acupuncturist Licensing Law"

S.P. 327 L.D. 864
(C "A" S-150)

Bill "An Act Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015
(S "A" S-155 to C "A" S-146)

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

Bill "An Act to Strengthen the Regulation of Insurance"

S.P. 155 L.D. 275
(C "A" S-140)

Which was READ A SECOND TIME.
On motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-156) READ and ADOPTED.
Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee on HUMAN RESOURCES on Bill "An Act to Restrict Smoking in Enclosed Shopping Malls"

H.P. 751 L.D. 1055

REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-190).

Tabled - May 25, 1989, by Senator GAUVREAU of Androscoggin.

Pending - FURTHER CONSIDERATION

(In House, May 17, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190).)

(In Senate, May 19, 1989, READ A SECOND TIME.)

(In Senate, May 22, 1989, Bill and Accompanying Papers RECOMMENDED to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.)

(In House, May 24, 1989, that Body INSISTED.)

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

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Strengthen the Penalties against Those Who Intentionally Mislabel Foods as Natural or Organic"

H.P. 644 L.D. 878

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

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-254), in concurrence

(In Senate, May 25, 1989, Committee Amendment "A" (H-254) READ.)

(In House, May 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254).)

On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-159) to Committee Amendment "A" (H-254) READ and ADOPTED.

Committee Amendment "A" (H-254) as Amended by Senate Amendment "A" (S-159) thereto, ADOPTED in NON-CONCURRENCE.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Relating to Collision Damage Waivers for Rented Motor Vehicles"

H.P. 149 L.D. 201

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

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-242), in concurrence.

(In Senate, May 25, 1989, Committee Amendment "A" (H-242) READ.)

(In House, May 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242).)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-242), in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages"

H.P. 228 L.D. 312

(C "A" H-247)

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

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

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

(In House, May 23, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247).)

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. Currently our law allows the sale of alcoholic beverages on Memorial Day at noon time. This Committee Amendment strikes a provision in the Bill, which would have allowed sales to begin earlier on Memorial Day. It does not change the existing law on Memorial Day. The Amendment simply reduces the time on Sundays from twelve noon to eleven in the morning.

Senator BOST of Penobscot requested a Division.

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. I am just a little confused. Right now on Sunday you can buy beer at noon. This would allow you to buy it at eleven. As I understand it, on Memorial Day, it changes it from noon to eleven o'clock. From my point of view that really isn't all that good. But, on Memorial Day, the Bill was going to allow you to buy it all day long. This puts it back to where it was so that you can't buy it until after noon. In my point of view is good. So, this Amendment is good and bad.

THE PRESIDENT: The Chair would respond that it depends upon your perspective.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. Just to respond to the question posed by the Senator from Penobscot, Senator Pearson, you are correct in your assessment.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would love to hear from a member of the Committee as to the public need to change the purchase of alcohol from twelve to eleven o'clock. Perhaps someone could tell us why this Bill is being discussed and whether there is a tremendous need to change this.

Senator BOST of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BOST of Penobscot, to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion by Senator BOST of Penobscot, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator BOST of Penobscot, to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities"

H.P. 544 L.D. 741
(C "A" H-233)

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

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

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

(In House, May 23, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233).

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

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

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

S.P. 358 L.D. 959

Tabled - May 25, 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.)

Committee Amendment "A" (S-137) ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Relating to State Personnel Administration"

S.P. 100 L.D. 119

(C "A" S-104)

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

Pending - FURTHER CONSIDERATION

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

(In House, May 23, 1989, 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 2 Legislative Days, pending a FURTHER CONSIDERATION.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator MATTHEWS of Kennebec, ADJOURNED until Friday, May 26, 1989, at 11:45 in the morning.