

# 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

76 having voted in the affirmative and 62 in the negative with 10 being absent, 1 vacant and 2 paired, the motion did prevail. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, May 31, 1989.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Strout of Corinth, Adjourned until Wednesday, May 31, 1989, at twelve o'clock noon.

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

In Senate Chamber  
Tuesday  
May 30, 1989

Senate called to Order by the President.

Prayer by Pastor Allan Kipp of the Community Church in Dresden.

PASTOR KIPP: Let us pray. Father we just ask You this day as we open business, Father God, that You would be upon us to give us clear minds. Father God that You would guide us and lead us in this state and Father God in our country. Father God that we would take and bring to pass a people that stand forth shining that do right, Father. We just thank You and just praise You for Your hand over this building and all that's said and done. And we just thank You, in Jesus name, Amen.

Reading of the Journal of Friday, May 26, 1989.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens (Emergency)

H.P. 550 L.D. 747  
(H "A" H-215 to C  
"A" H-183)

In Senate, May 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183) AS AMENDED BY HOUSE AMENDMENT "A" (H-215), thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183) AS AMENDED BY HOUSE AMENDMENTS "A" (H-215) AND "B" (H-317), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

May 26, 1989

Honorable Joy J. O'Brien  
Secretary of the Senate  
114th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed 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).

Sincerely,  
S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Amending the Licensure Requirements for Plumbers"

S.P. 615 L.D. 1710

Presented by Senator BALDACCI of Penobscot

Cosponsored by Senator WHITMORE of Androscoggin, Representative GURNEY of Portland and Representative STEVENS of Sabattus  
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.  
Sent down for concurrence.

Resolve, Authorizing the Director of the Bureau of Public Lands to Convey Certain State Property Within the City of Biddeford

S.P. 617 L.D. 1712

Presented by Senator DUTREMBLE of York  
Cosponsored by Representative SHELTRA of Biddeford, Representative DUTREMBLE of Biddeford and Representative PLOURDE of Biddeford  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Off Record Remarks

Bill, "An Act to Establish Domestic Preference for Long-term Power Generation"

S.P. 616 L.D. 1711

Presented by Senator WEBSTER of Franklin  
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 Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on TRANSPORTATION on Bill "An Act Regarding the Transportation of Students"

H.P. 1054 L.D. 1476

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Line Item Budget for the Maine Agricultural Experiment Station and the Cooperative Extension Service"

H.P. 1119 L.D. 1551

The Committee on BUSINESS LEGISLATION on Bill "An Act to Regulate Out-of-state Mail Order Pharmacies to Ensure the Safety of Prescription Drugs"

H.P. 771 L.D. 1083

The Committee on EDUCATION on Bill "An Act to Provide for Local School District Support for Vocational Centers"

H.P. 1015 L.D. 1416

The Committee on HUMAN RESOURCES on Bill "An Act to Establish a License Fee Schedule for Restaurants"

H.P. 990 L.D. 1379

The Committee on JUDICIARY on Bill "An Act to Require Persons Convicted of Certain Crimes to be Tested for AIDS and the Results to be Released to the Victim"

H.P. 958 L.D. 1336

The Committee on JUDICIARY on Bill "An Act to Provide Compensation to Victims of Illegal Acts"

H.P. 1023 L.D. 1424

The Committee on JUDICIARY on Bill "An Act to Increase Civil Service of Process Fees"

H.P. 1027 L.D. 1433

The Committee on JUDICIARY on Bill "An Act to Require a Victim Impact Statement"

H.P. 1048 L.D. 1459

The Committee on JUDICIARY on Bill "An Act Concerning Offenses Against Public Order"

H.P. 1109 L.D. 1542

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Property Abandoned by Tenants"

H.P. 1162 L.D. 1616

The Committee on TRANSPORTATION on Bill "An Act to Require the Use of Safety Belts on Maine School Buses"

H.P. 925 L.D. 1291

The Committee on TRANSPORTATION on Bill "An Act to Authorize Posting of a Sign on Interstate 95 for the Kennebec Valley Vocational-Technical Institute"

H.P. 1075 L.D. 1497

The Committee on TRANSPORTATION on Bill "An Act to Provide Complimentary Maine Drivers' Licenses to Veterans with 100% Combat Service Connected Disability"

H.P. 1133 L.D. 1576

The Committee on TRANSPORTATION on Bill "An Act to Increase the Fine for Improper Use of Handicapped Parking Spaces"

H.P. 1165 L.D. 1619

Change of Reference

The Committee on BUSINESS LEGISLATION on Bill "An Act to Prohibit Possession of Improperly Labeled Beverage Containers"

H.P. 1029 L.D. 1435

Reported that the same be REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES, in concurrence.

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act Regarding Documentation of Rabies Shots for Dogs Brought into This State"

H.P. 1076 L.D. 1498

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Support for Nonprofit Community AIDS Organizations Which are Members of a Statewide AIDS Alliance" (Emergency)

H.P. 588 L.D. 792

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund Community-based AIDS Programs and Services"

H.P. 622 L.D. 845

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-285).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285).

Which Report was READ and ACCEPTED, in concurrence. The Bill READ ONCE.

Committee Amendment "A" (H-285) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water System for the Warren State Prison and Pay User Fees (Emergency)

H.P. 1197 L.D. 1664

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-284).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-284) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Solid Waste Management"

H.P. 1046 L.D. 1457

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-283).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-283) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired"

H.P. 688 L.D. 940

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-280).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-280) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Prohibit Boarding Care Facility and Nursing Home Facility Personnel from Smoking"

H.P. 920 L.D. 1286

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-288).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-288) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Expand the Jurisdiction of the District Courts to Include Violations within Municipal Harbors and to Impose the Same Penalties for Harbor Violations that Have Been Created for Land Use Violations"

H.P. 389 L.D. 520

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-269).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269) AS AMENDED BY HOUSE AMENDMENT "A" (H-290) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-269) READ.

House Amendment "A" (H-290) to Committee Amendment "A" (H-269) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-269) as Amended by House Amendment "A" (H-290) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges"

H.P. 849 L.D. 1181

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-286).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-286) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Withdrawal of Candidates"

H.P. 559 L.D. 757

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-234).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234) AS AMENDED BY HOUSE AMENDMENT "A" (H-282) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-234) READ.

House Amendment "A" (H-282) to Committee Amendment "A" (H-234) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-234) as Amended by House Amendment "A" (H-282) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture" (Emergency)

H.P. 739 L.D. 1022

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

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266) AS AMENDED BY HOUSE AMENDMENT "A" (H-291) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-266) READ.

House Amendment "A" (H-291) to Committee Amendment "A" (H-266) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-266) as Amended by House Amendment "A" (H-291) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the 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

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin  
CARPENTER of York

Representatives:

LARRIVEE of Gorham  
MCCORMICK of Rockport  
HANLEY of Paris  
HEESCHEN of Wilton  
BEGLEY of Waldoboro  
DAGGETT of Augusta

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

Signed:

Senator:

ESTY of Cumberland

Representatives:

WENTWORTH of Wells  
ROTONDI of Athens  
JOSEPH of Waterville

Comes from the House the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-279).

Which Reported were READ.

Senator BERUBE, of Androscoggin, moved to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

Senator ESTY of Cumberland requested a Division.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate, I rise today as a cosponsor of L.D. 1120 and suggest that you give serious consideration to the establishment of a four year term for all legislators. If approved by the voters both Senate and House members would have terms which correspond to that of the Governor. An amendment to the original bill would start the process in 1994, so that the change could follow the 1990 census and the customary redistricting which would follow. In most of the states, which have full time legislatures, Senators do have longer terms than members of the House. However, the New England states have traditionally opted for equal terms both in bodies. And as recently as the 113th Legislature, an attempt to lengthen only Senate terms was soundly defeated by the other Body. The message is clear, it is both or neither.

Opponents will argue that longer terms would make elected officials less responsive to their constituents. I would counter that part-time legislators, in the largest state in New England, need more than two years to even get acquainted with their far-flung constituents. Take Senate district #3 for example, it covers fifty communities in Aroostook, Washington and Penobscot counties. The largest town has a population of 6,600 people. Between April and November of last year I was on the road almost continuously. Within one twenty-four hour period, I was attacked by a vicious dog in one town and a vicious man in another. I am sure you have all had similar experiences. The fact remains that it takes alot of time and fortitude to do a decent job representing our large districts. I see the addition of two more years as an opportunity to spend more time working for the people and less at working for re-election. Four year terms would cut campaign expenses in half. They would cut down on roadside litter and the need for partisan vandals to remove and destroy opponents' lawn signs. And only every fourth year would the public have to endure those thirty or sixty second media time bites which interrupt the voters favorite shows. Those obscenely expensive moments which tend to irritate rather than to inform. Totally inadequate in terms of demonstrating a candidate's ability to represent constituents in a serious and effective manner. As a proposed change to the State Constitution it will take a two-thirds vote to send L.D. 1120 to the electorate. Why not let the people decide this very important issue? I urge you to vote against the pending motion. Thank you.

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. First of all, this Legislature is not a full time Legislature. Therefore, in my view we don't need to have four year terms. I've never been attacked by either of the attackers that the gentlewoman from Aroostook county has mentioned. I suggest that campaigning in Androscoggin county probably is a safer. And again, that reinforces my determination to vote against a four year proposal. You know it would be awfully, awfully nice not to campaign every two years, but I'm not looking at this from the perspective of the campaigner, for the person seeking office, but rather from the vested interest, if you

will, from the perspective of the voter and the viewpoint of the voter. It would be awfully nice as a voter to show approval. In fact it is awfully nice of a voter to show approval of disapproval every two years. As a Senator I don't fear that one bit. If I haven't done my job at least the people in my district have a right and a privilege to make a change. This bill proposes then, four year terms for both House and Senate. It was felt by one of the sponsors that it would reduce the cost of the campaign. However, in our view, those who support the majority report, longer terms would necessitate obviously greater investments in terms of dollars. It would still mean, if this bills passes, that voters would go to the polls every two years because these would be staggered terms. And also, the voter must go to the polls every two years for various reasons and you know that we will pass many Bonding Issues and other referenda questions that they will have to respond to by going to the voting booth. So they may as well, while they are in that voting booth, also cast their vote for the legislators.

I also think that we are treading on dangerous ground. It's very easy to loose sight of what our voters want, what our citizens want, the people that we represent want and we should not do anything to reduce accountability on our part or responsiveness to the people. And finally, I have yet in all the years I've served in both Houses, both Chambers to hear one constituent of mine say; "please, please serve four years." I think two years has been very satisfactory in our state and I would urge you to continue to leave it the way it is. Thank you.

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

Senator DILLENBACK: Thank you Mr. President, Ladies and Gentlemen of the Senate. I've always been in favor of the Senate having a four year term, but we always have the bugaboo of having the House not going along with it. In the last election somebody running for the Senate spent forty thousand dollars. My opponent spent twenty-seven thousand dollars and all my constituents say it's ridiculous for the Senators to have to run every two years. It's unfortunate that this bill could not be just for the Senate, but the House will not go along with it. Unfortunately, we're in a bind we can't get around and I think the people would support the Senate on a four year term, but they will not support both units being that way. Thank you.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. Just one response to my good friend, the Senator from Androscoggin. In my travels, in four terms here in this legislature, I've had many constituents tell me "I thought that you are elected for four years and if you're not you should be". Thank you.

Off Record Remarks

On motion by Senator BERUBE, of Androscoggin, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

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

A vote of Yes will be in favor of ACCEPTANCE of the Majority OUGHT NOT TO PASS Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator CLARK of Cumberland who would have voted YEA requested and received Leave of the Senate to pair her vote with Senator BALDACCI of Penobscot who would have voted NAY.

Senator DUTREMBLE of York who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator GAUVREAU of Androscoggin who would have voted YEA.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators Andrews, Berube, Bost, Carpenter, Dilllenback, Emerson, Pearson, Twitchell, Webster, Whitmore

NAYS: Senators BRANNIGAN, BRAWN, BUSTIN, CAHILL, COLLINS, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PERKINS, RANDALL, THERIAULT, TITCOMB, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

PAIRED: Senators BALDACCI, CLARK, DUTREMBLE, GAUVREAU

ABSENT: Senator HOBBS

10 Senator having voted in the affirmative and 20 Senator having voted in the negative, with 4 Senators having paired their votes and 1 Senator being absent, the motion of Senator BERUBE, of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

The Minority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-279) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate  
Leave to Withdraw

The following Leave to Withdraw Reported 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 Bill "An Act to Set Up Therapeutic Foster Homes" (Emergency)

S.P. 530 L.D. 1465

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Initiate Therapeutic Group Homes" (Emergency)

S.P. 573 L.D. 1601

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Allow Vanity Registration Plates for Certain Trailers"

S.P. 548 L.D. 1519

Ought to Pass

Senator BALDACCI for the Committee on TAXATION on Resolve, to Establish the Taxpayers' Bill of Rights

S.P. 582 L.D. 1644

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Insurance Code"

S.P. 203 L.D. 481

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-170).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-170) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Relating to the Maine Commission on Mental Health" (Emergency)  
S.P. 408 L.D. 1074

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-166).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-166) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Clarify the Immunity Provisions for Nonprofit Corporations"

S.P. 274 L.D. 720

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-164).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-164) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Provide Visitation and Custody Rights to Grandparents in Cases other than Divorce"  
H.P. 1036 L.D. 1447  
Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (Emergency)

H.P. 48 L.D. 62  
(C "A" H-263)

Bill "An Act to Curtail Fraud in the Workers' Compensation System"

H.P. 74 L.D. 105  
(C "A" H-270)

Bill "An Act to Amend Disorderly Conduct Offenses"

H.P. 391 L.D. 522  
(C "A" H-268)

Bill "An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law"

H.P. 446 L.D. 611  
(C "A" H-265)

Bill "An Act to Promote Equity in the Court Adjudication of Alimony Awards"

H.P. 476 L.D. 656  
(C "A" H-276)

Bill "An Act to Increase the Penalty for Theft from a Locked Motor Vehicle"

H.P. 508 L.D. 688

(C "A" H-267)

Bill "An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws"

H.P. 702 L.D. 963  
(C "A" H-240)

Bill "An Act to Make Hydropower Project Operators Financially Responsible for Fish Kills"

H.P. 829 L.D. 1161  
(C "A" H-272)

Bill "An Act to Provide Assistance to Owners of Manufactured Housing"

H.P. 908 L.D. 1271  
(C "A" H-264)

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

H.P. 1043 L.D. 1454  
(C "A" H-278)

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

Senate

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

S.P. 500 L.D. 1374

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Continuing Care Retirement Law"

S.P. 120 L.D. 186  
(C "A" S-163)

Bill "An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial" (Emergency)

S.P. 154 L.D. 274  
(C "A" S-161)

Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act to the Consumer Advisory Board"

S.P. 171 L.D. 328  
(C "A" S-162)

Bill "An Act to Protect the State's Ownership of Public Records"

S.P. 479 L.D. 1277  
(C "A" S-160)

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

Sent down for concurrence.

ENACTORS

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

An Act to Regulate the Installation of Fire Sprinklers

S.P. 237 L.D. 567  
(S "A" S-139 to C "A" S-126)

An Act to Amend the Law on Home Construction Contracts

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

An Act to Clarify That the Use of Antifreeze or Other Toxic Agents on Lakes, Ponds and Streams Is Illegal

S.P. 499 L.D. 1373  
(C "A" S-127)

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 Repair the Chain of Ponds' Dam



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

On motion by Senator PEARSON, of Penobscot, PLACED ON THE SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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)

On motion by Senator PEARSON, of Penobscot, PLACED ON THE SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

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

H.P. 369 L.D. 500  
(C "A" H-230)

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 Make Allocations for Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1990 and June 30, 1991

H.P. 470 L.D. 635  
(C "A" H-228)

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Amend Deadlines for the Study of the Structure and Operations of the Legislature (Emergency)

H.P. 1228 L.D. 1709

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

ORDERS OF THE DAY

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 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 WEBSTER, of Franklin, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION OF COMMITTEE AMENDMENT "A" (S-104).

House Amendment "A" (H-271) to Committee Amendment "A" (S-104) READ.

Senator WEBSTER, of Franklin, moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-271) to Committee Amendment "A" (S-104) in NON-CONCURRENCE.

Senator BERUBE, of Androscoggin, requested a Division.

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator WEBSTER, of Franklin, to INDEFINITELY POSTPONE House Amendment "A" (H-271), FAILED.

Senator WEBSTER of Franklin, moved to ADHERE.

On motion by Senator KANY, of Kennebec, the Senate CONCURRED.

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

Bill "An Act Concerning Teacher Employment"  
H.P. 486 L.D. 666  
(C "A" H-163)

Tabled - May 26, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 15, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163), in concurrence.)

(In House, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163) AS AMENDED BY HOUSE AMENDMENT "B" (H-298), thereto in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On Further motion by same Senator, the Senate RECEDED from ADOPTION OF COMMITTEE AMENDMENT "A" (H-163).

House Amendment "B" (H-298) to Committee Amendment "A" (H-163) READ.

On motion by Senator CLARK, of Cumberland, House Amendment "B" (H-298) to Committee Amendment "A" (H-163) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-171) to Committee Amendment "A" (H-163) READ and ADOPTED.

Committee Amendment "A" (H-163) as Amended by Senate Amendment "A" (S-171) thereto, ADOPTED in NON-CONCURRENCE

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 Restrict Smoking in Enclosed Shopping Malls"

H.P. 751 L.D. 1055  
(C "A" H-190)

Tabled - May 26, 1989, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-190) AS AMENDED BY SENATE AMENDMENT "B" (S-167) thereto, in NON-CONCURRENCE

(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.)

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

(In Senate, May 26, 1989, the Senate RECEDED. Senate Amendment "B" (S-167) to Committee Amendment "A" (H-190) READ and ADOPTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-190) AS AMENDED BY SENATE AMENDMENT "B" (S-167) thereto, in NON-CONCURRENCE.

Senator TWITCHELL of Oxford 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 TWITCHELL, of Oxford, ADJOURNED until Wednesday, May 31, 1989, at 12 noon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
73rd Legislative Day

Wednesday, May 31, 1989

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Jang Don Joo, Elm Street United Methodist Church, South Portland.

The Journal of Tuesday, May 30, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act Amending the Licensure Requirements for Plumbers" (S.P. 615) (L.D. 1710)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Resolve, Authorizing the Director of the Bureau of Public Lands to Convey Certain State Property Within the City of Biddeford (S.P. 617) (L.D. 1712)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Establish Domestic Preference for Long-term Power Generation" (S.P. 616) (L.D. 1711)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Set Up Therapeutic Foster Homes" (EMERGENCY) (S.P. 530) (L.D. 1465)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Initiate Therapeutic Group Homes" (EMERGENCY) (S.P. 573) (L.D. 1601)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Allow Vanity Registration Plates for Certain Trailers" (S.P. 548) (L.D. 1519)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Teacher Employment" (H.P. 486) (L.D. 666) which was passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by House Amendment "B" (H-298) thereto in the House on May 25, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by Senate Amendment "A" (S-171) thereto in non-concurrence.

On motion of Representative Crowley of Stockton Springs, tabled pending further consideration and later today assigned.

REPORTS OF COMMITTEES  
Unanimous Ought Not to Pass