

# 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

Adjourned until Tuesday, June 6, 1989, at twelve o'clock noon.

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

In Senate Chamber  
Monday  
June 5, 1989

Senate called to Order by the President.

Prayer by Thomas Longstaff, Professor of Religion at Colby College in Waterville.

THOMAS LONGSTAFF: Be still and know that I am God. Nearly three thousand years ago, an inspired poet in Israel wrote this line which has become a familiar one to many people in every century since. At the beginning of this legislative day, let us pause for just a moment to know the presence of the transcendent and to listen to the words of a more modern poet, an anonymous voice from the African continent. Let us pray.

Almighty God, awesome wisdom of sunshine and rain, may peace govern the earth, may the gourd cup agree with the vessel, may their heads agree and every ill word be driven out into the wilderness into the virgin forest. Be present at this gathering, let Your fullness shine in this place. May Your presence be a blessing to the deliberations here today, to the ideals, dreams, visions, and especially to those who exercise the functions of government in the affairs of women and men. By Your blessing may they contribute powerfully to the well-being of all people. Amen.

Reading of the Journal of Friday, June 2, 1989.

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

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the front of the State House at 10:30 this morning, to Celebrate the 160th anniversary of the laying of the cornerstone of the State House.

Which was READ and PASSED.

The Chair appointed the Senator from York, Senator DUTREMBLE, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator DUTREMBLE of York reported he had delivered the message with which he was charged.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Create the Individual Income Tax Windfall Fund" (Emergency)

S.P. 306 L.D. 805  
(C "A" S-128)

In Senate, May 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128) AS AMENDED BY HOUSE AMENDMENT "A" (H-369), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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

S.P. 354 L.D. 955  
(S "A" S-151 to C "A"  
S-141)

In Senate, May 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141) AS AMENDED BY SENATE AMENDMENT "A" (S-151) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141) AS AMENDED BY SENATE AMENDMENT "A" (S-151) AND HOUSE AMENDMENT "C" (H-364) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Improve the Operations of the Division of Public Administration" (Emergency)

H.P. 1233 L.D. 1718

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 Exempt Group Medicare Supplement Contracts from the Mandated Benefits for Substance Abuse and Mental Illness"

H.P. 1230 L.D. 1715

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Reclaim Small Ponds"

H.P. 1232 L.D. 1717

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

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

Bill "An Act Relating to Transportation of Hazardous Materials by Railroad"

H.P. 1231 L.D. 1716

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

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

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

COMMUNICATIONS

The Following Communication: S.P. 627  
114TH MAINE LEGISLATURE  
June 2, 1989

Senator Zachary E. Matthews  
Representative Charles R. Priest  
Chairpersons  
Joint Standing Committee on Legal Affairs  
114th Legislature  
Augusta, Maine 04333

Dear Chairs:  
Please be advised that Governor John R. McKernan, Jr. has nominated Richard B. Olfene of Auburn for appointment to the Maine State Liquor Commission.

Pursuant to Title 28, M.R.S.A. Section 52, this nomination will require review by the Joint Standing

Committee on Legal Affairs and confirmation by the Senate.

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

Which was READ and referred to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

The Following Communication: S.P. 633  
114TH MAINE LEGISLATURE  
June 2, 1989

Senator R. Donald Twitchell  
Representative Robert J. Tardy  
Chairpersons  
Joint Standing Committee on Agriculture  
114th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated James D. Harrington of Winthrop for appointment to the Harness Racing Commission.

Pursuant to Title 8, M.R.S.A. Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

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

Which was READ and referred to the Committee on AGRICULTURE.

Sent down for concurrence.

The Following Communication:  
COMMITTEE ON AGRICULTURE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
June 2, 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 Agriculture has had under consideration the nomination of Stephen A. Briggs of Turner, for appointment to the Commission on Biotechnology and Genetic Engineering.

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	2
	Representatives	9
NAYS:		0
ABSENT:	2	Sen. Emerson of Penobscot, Rep. Aliberti of Lewiston

Eleven 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 Stephen A. Briggs of Turner, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,  
S/R. Donald Twitchell  
Senate Chair

S/Robert J. Tardy  
House Chair

Which was READ and ORDERED PLACED ON FILE.

At this point a message was received from the House of Representatives, borne by Representative MAYO of Thomaston, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention in front of the State House at 10:30 this morning, to Celebrate the 160th anniversary of the laying of the cornerstone of the State House.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Stephen A. Briggs of Turner, for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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?

At this time, the Chair noted the absence of the Senator from Knox, Senator BRAWN and further excused the same Senator from today's Roll Call votes.

The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
NAYS: Senators ANDREWS, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY  
ABSENT: Senators BALDACCI, GAUVREAU, HOBBSINS  
EXCUSED: Senator BRAWN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having been excused, 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 Stephen A. Briggs, for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON AGRICULTURE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
June 2, 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 Agriculture has had under consideration the nomination of Matthew Scott of Belgrade, for appointment to the Commission on Biotechnology and Genetic Engineering.

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	2
	Representatives	9
NAYS:		0
ABSENT:	2	Sen. Emerson of Penobscot, Rep. Aliberti of Lewiston

Eleven 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 Matthew Scott of Belgrade, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,  
S/R. Donald Twitchell S/Robert J. Tardy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Matthew Scott of Belgrade, for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY  
ABSENT: Senators BALDACCI, GAUVREAU, HOBBSINS  
EXCUSED: Senator BRAWN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having been excused, 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 Matthew Scott, for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON AGRICULTURE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE

LEGISLATIVE RECORD - SENATE, JUNE 5, 1989

June 2, 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 Agriculture has had under consideration the nomination of Kathleen F. Gensheimer, M.D. of Bath, for appointment to the Commission on Biotechnology and Genetic Engineering.

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 2  
Representatives 9  
NAYS: 0  
ABSENT: 2 Sen. Emerson of Penobscot,  
Rep. Aliberti of Lewiston

Eleven 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 Kathleen F. Gensheimer, M.D. of Bath, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,

S/R. Donald Twitchell S/Robert J. Tardy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Kathleen F. Gensheimer, M.D. of Bath, for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GILL, GOULD,  
HOLLOWAY, KANY, LUDWIG, MATTHEWS,  
PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEBSTER, WEYMOUTH, WHITMORE, THE  
PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, GAUVREAU, HOBBS  
EXCUSED: Senator BRAWN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having been excused, 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 Kathleen F. Gensheimer, M.D., for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON AGRICULTURE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
June 2, 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 Agriculture has had under consideration the nomination of Wallace C. Dunham of Orono, for appointment to the Commission on Biotechnology and Genetic Engineering.

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 2  
Representatives 9  
NAYS: 0  
ABSENT: 2 Sen. Emerson of Penobscot,  
Rep. Aliberti of Lewiston

Eleven 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 Wallace C. Dunham of Orono, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,

S/R. Donald Twitchell S/Robert J. Tardy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Wallace C. Dunham of Orono, for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GILL, GOULD,  
HOLLOWAY, KANY, LUDWIG, MATTHEWS,  
PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEBSTER, WEYMOUTH, WHITMORE, THE  
PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, GAUVREAU, HOBBS  
EXCUSED: Senator BRAWN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having been

excused, 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 Wallace C. Dunham, for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 COMMITTEE ON AGRICULTURE  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 June 2, 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 Agriculture has had under consideration the nomination of William Mook of Damariscotta, for appointment to the Commission on Biotechnology and Genetic Engineering.

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	2
	Representatives	9
NAYS:		0
ABSENT:	2	Sen. Emerson of Penobscot, Rep. Aliberti of Lewiston

Eleven 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 William Mook of Damariscotta, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,

S/R. Donald Twitchell                      S/Robert J. Tardy  
 Senate Chair                                      House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of William Mook of Damariscotta for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL,

WEBSTER, WEYMOUTH, WHITMORE, THE  
 PRESIDENT - CHARLES P. PRAY

ABSENT: Senators GAUVREAU, HOBBS  
 EXCUSED: Senator BROWN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having been excused, 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 William Mook, for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 COMMITTEE ON AGRICULTURE  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 June 2, 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 Agriculture has had under consideration the nomination of Dr. Robert M. Chute of Poland Spring, for appointment to the Commission on Biotechnology and Genetic Engineering.

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	2
	Representatives	9
NAYS:		0
ABSENT:	2	Sen. Emerson of Penobscot, Rep. Aliberti of Lewiston

Eleven 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 Dr. Robert M. Chute of Poland Spring, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,

S/R. Donald Twitchell                      S/Robert J. Tardy  
 Senate Chair                                      House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Dr. Robert M. Chute of Poland Spring for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BALDACCI, BERUBE,

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

ABSENT:

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having been excused, 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 Dr. Robert M. Chute, for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 COMMITTEE ON AGRICULTURE  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 June 2, 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 Agriculture has had under consideration the nomination of Christine C. Vito, Ph.D. of Saco, for appointment to the Commission on Biotechnology and Genetic Engineering.

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 2  
 Representatives 9  
 NAYS: 0  
 ABSENT: 2 Sen. Emerson of Penobscot,  
 Rep. Aliberti of Lewiston

Eleven 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 Christine C. Vito, Ph.D. of Saco, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,

S/R. Donald Twitchell S/Robert J. Tardy  
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Christine C. Vito, Ph.D. of Saco for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BALDACCIO, BERUBE,  
 BOST, BRANNIGAN, BUSTIN, CAHILL,  
 CARPENTER, CLARK, COLLINS,  
 DILLENBACK, DUTREMBLE, EMERSON,  
 ERWIN, ESTES, ESTY, GILL, GOULD,  
 HOLLOWAY, KANY, LUDWIG, MATTHEWS,  
 PEARSON, PERKINS, RANDALL,  
 THERIAULT, TITCOMB, TWITCHELL,  
 WEBSTER, WEYMOUTH, WHITMORE, THE  
 PRESIDENT - CHARLES P. PRAY  
 Senators GAUVREAU, HOBBINS

ABSENT:

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having been excused, 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 Christine C. Vito, Ph.D., for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 COMMITTEE ON AGRICULTURE  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 June 2, 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 Agriculture has had under consideration the nomination of Stellos M. Tavantzis of Orono, for appointment to the Commission on Biotechnology and Genetic Engineering.

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 2  
 Representatives 9  
 NAYS: 0  
 ABSENT: 2 Sen. Emerson of Penobscot,  
 Rep. Aliberti of Lewiston

Eleven 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 Stellos M. Tavantzis of Orono, for appointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,

S/R. Donald Twitchell S/Robert J. Tardy  
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Stellos M. Tavantzis of Orono for appointment to the Commission on Biotechnology and Genetic Engineering, be confirmed.



The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators GAUVREAU, HOBBSINS  
EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having been excused, 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 Stellos M. Tavantzis, for appointment to the Commission on Biotechnology and Genetic Engineering, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senate at Ease

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator CLARK, to the Rostrum where she assumed the duties as President Pro Tem. He further appointed the Senator from Kennebec, Senator BUSTIN to Preside as President Pro Tem for the Joint Convention.

The President then Retired from the Senate Chamber.

Senate called to order by the President Pro Tem.

SENATE PAPERS

Bill "An Act to Amend Maine's Underground Oil Storage Law"

S.P. 632 L.D. 1725

Presented by Senator KANY of Kennebec  
Cosponsored by Representative LORD of Waterboro, Representative MICHAUD of East Millinocket and Representative JACQUES of Waterville  
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.

Bill "An Act to Correct Errors and Inconsistencies in the Laws Relating to Boards and Commissions" (Emergency)

S.P. 630 L.D. 1724

Presented by Senator HOBBSINS of York  
Cosponsored by Representative PARADIS of Augusta  
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Modifying the Territory of the Lucerne-in-Maine Village Corporation" (Emergency)  
S.P. 628 L.D. 1722

Presented by Senator PERKINS of Hancock  
Cosponsored by Representative SWAZEY of Bucksport  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Create the Deer Isle Water District" (Emergency)

S.P. 629 L.D. 1723

Presented by Senator PERKINS of Hancock  
Cosponsored by Representative HUTCHINS of Penobscot and Senator BOST of Penobscot  
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.

ORDERS

Joint Resolution

Senator DUTREMBLE of York, requested that the RULES BE SUSPENDED BY UNANIMOUS CONSENT to present a Joint Resolution on behalf of President PRAY of Penobscot (Cosponsored by: Senator BUSTIN of Kennebec, Representative MCHENRY of Madawaska, Representative GWADOSKY of Fairfield) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 631

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES CONCERNING AMENDMENTS TO THE FEDERAL MINIMUM WAGE

WE, your Memorialists, the Senate and the House of Representatives of the State of Maine, now assembled in the First Regular Session of the One Hundred and Fourteenth Legislature, most respectfully present and petition the President of the United States, as follows:

WHEREAS, there is currently pending in the 101st United States Congress, a bill, H.R. 2, which would raise the federal minimum wage to \$4.55 an hour; and

WHEREAS, this measure has been passed by the United States Congress, and is to be presented to the Honorable George H. W. Bush, President of the United States, for his signature; and

WHEREAS, President Bush has publicly indicated that he may veto this bill; and

WHEREAS, the federal minimum wage has not been increased since 1981; and

WHEREAS, even with the modest increase proposed by the 101st Congress, minimum-wage earners will not keep up with the inflation which has occurred over the past 8 years; and

WHEREAS, the Maine Legislature has passed increases in Maine's minimum wage and has found these increases to have a negligible negative impact on this State's business climate; and

WHEREAS, the Governor of Maine, along with numerous other governors, has gone on record in

support of an increase in the federal minimum wage; and

WHEREAS, the President is proposing a capital gains tax break that will give those taxpayers who earn more than \$200,000 annually a tax cut of over \$30,000 per year; and

WHEREAS, the pending minimum wage bill is a true measure of a "kinder and gentler nation"; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President of the United States to sign H.R. 2 and thereby provide economic justice to the wage earners who are the backbone of our economic system; and be it further

RESOLVED: That duly authenticated copies of this joint resolution be submitted immediately by the Secretary of State to the Honorable George H. W. Bush, the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Which was READ.

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

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. I would urge your Adoption of this Joint Resolution. I would only like to state briefly that I have always felt that minimum wage ought to be raised at the national level and I think it is being done, as it should have been done years ago. So, I would applaud the action being done in Washington. I would like to bring to your attention a concern that I have about this Resolution and I only wanted to state for the Record that in one of the paragraphs it makes reference to the fact that the President is proposing a capital gains tax break, which will give taxpayers more than two hundred thousand dollars a tax cut of over thirty thousand dollars a year. I believe that to be false. The statement in my opinion is not true. History has shown that a capital gains tax has always led to investment and it has created jobs. For that reason I am sure that President Bush is supporting changing that law and I applaud his efforts to do that. I find it unfortunate that this particular paragraph is in this Resolution, but I believe it is a Resolution that should be passed. We will let the people in Washington debate it as to the dollar amount that they want to raise it to. I support this in concept, but do want to bring to the Senate's attention my concern about that particular paragraph.

Which was ADOPTED.

Sent down for concurrence.

#### COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on EDUCATION on Bill "An Act to Improve and Enhance the Quality and Amount of Instructional Time for Students"

H.P. 967 L.D. 1345

The Committee on EDUCATION on Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine and a Nursing Research Center

H.P. 1053 L.D. 1464

The Committee on EDUCATION on Bill "An Act to Require Preadmission and Post-Graduation Assessment Exams for University of Maine System Students"

H.P. 1099 L.D. 1532

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Create a Game Sanctuary at Beaver Cove in Moosehead Lake"

H.P. 1206 L.D. 1676

Leave to Withdraw

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

The Committee on BANKING AND INSURANCE on Bill "An Act Concerning Payment of Maine-issued Bank Cards"

H.P. 964 L.D. 1342

The Committee on JUDICIARY on Bill "An Act to Prohibit the Use of State Funds to Subsidize the Implementation of Alternative Sentencing Options"

H.P. 1104 L.D. 1537

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Restrict Post-legislative Activity"

H.P. 573 L.D. 777

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require Detailed Legislator Finance Reports"

H.P. 664 L.D. 906

The Committee on TRANSPORTATION on Bill "An Act to Amend the Law Governing Abandoned Vehicles"

H.P. 1203 L.D. 1673

Ought to Pass

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Protect and Preserve Certain Property in Saco Owned by the Finance Authority of Maine (Emergency)

H.P. 1210 L.D. 1682

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act Providing for a Report on the Availability of Insurance and Level of Competition within the Insurance Industry in Maine and a Report on Insurance Rating Organizations in Maine"

H.P. 37 L.D. 37

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-359).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-359) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Clarify Use of Corporate-owned Life Insurance Policies" (Emergency)

H.P. 411 L.D. 554

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-356).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-356) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on EDUCATION on Bill "An Act to Establish Appropriate Class Size in the Early Elementary Grades"

H.P. 39 L.D. 39

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-358).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-358) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Strengthen and Improve Enforcement of Environmental Laws"

H.P. 629 L.D. 852

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-361).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-361) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws"

H.P. 667 L.D. 909

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-360).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-360) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on HUMAN RESOURCES on Bill "An Act to Correct Errors and Inconsistencies Regarding Reporting Requirements in the General Assistance Laws"

H.P. 997 L.D. 1386

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-351).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-351) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on HUMAN RESOURCES on Bill "An Act to Make General Assistance More Available to Homeless People and Clarify the Definition of Need"

H.P. 1061 L.D. 1483

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-352).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-352).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-352) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on HUMAN RESOURCES on Bill "An Act to Continue Habilitation and Vocational Rehabilitation Services to Eligible Clients"

H.P. 1082 L.D. 1504

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-350).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-350) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on JUDICIARY on Bill "An Act to Establish State Guidelines for Child Support Awards"

H.P. 706 L.D. 967

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-349).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-349).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-349) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on JUDICIARY on Bill "An Act to Clarify the Definition of Cocaine"

H.P. 795 L.D. 1107

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-355).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-355) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Prevent, Punish and Remedy Violations of Constitutional Rights"

H.P. 896 L.D. 1253

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-325).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325) AND HOUSE AMENDMENT "A" (H-363).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-325) READ and ADOPTED, in concurrence.

House Amendment "A" (H-363) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Establish Mediation for Mobile Home Park Operators and Tenants"

H.P. 465 L.D. 630

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-357).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-357) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Create the Commission to Study the Feasibility of a Southern Maine Regional Jetport

H.P. 750 L.D. 1054

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-354).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-354) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 700 L.D. 952

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-345).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-345) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Protect the Megunticook Watershed for the People of Lincolnville by Creating the Lincolnville Water District"

H.P. 1205 L.D. 1675

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-348).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-348) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act Pertaining to Breast Cancer Treatment"

H.P. 219 L.D. 299

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-341).

Signed:

Senators:

GAUVREAU of Androscoggin  
TITCOMB of Cumberland  
RANDALL of Washington

Representatives:

MANNING of Portland  
ROLDE of York  
BOUTILIER of Lewiston  
BURKE of Vassalboro  
CATHCART of Orono  
PEDERSON of Bangor  
DELLERT of Gardiner  
HEPBURN of Skowhegan  
PENDLETON of Scarborough

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

Signed:

Representative:

CLARK of Brunswick

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-341).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-341) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought Not to Pass

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase the State's Percentage Share in the Education Subsidy Formula to 60%"

S.P. 80 L.D. 81

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund a Special Projects Coordinator for the Beginning Alcohol and Addictions Basic Education Studies Program"

S.P. 189 L.D. 346

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve Emergency Preparedness and Provide Training for Hazardous Materials Response Teams"

S.P. 301 L.D. 799

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Fund to Assist Towns with Small Water Systems"

S.P. 406 L.D. 1050

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Essential Mental Health Programs for Adults"

S.P. 490 L.D. 1332

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Improve Geriatric Health Care

S.P. 507 L.D. 1395

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Educational Opportunities for York County"

S.P. 510 L.D. 1398

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Enhance the Auditing and Fiscal Analysis Capabilities of the Maine Legislature"

S.P. 537 L.D. 1472

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Establish Dental Health Resource Referral Network Projects in Underserved Communities

S.P. 568 L.D. 1596

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Enhance Student Understanding of Maine Government"

S.P. 579 L.D. 1641

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Create a Household Hazardous Waste Collection Demonstration Project

S.P. 581 L.D. 1643

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to Professionalization of Attendance Officers"

S.P. 547 L.D. 1518

Senator EMERSON for the Committee on TAXATION on Bill "An Act to Inform Taxpayers about State Aid to Municipalities"

S.P. 447 L.D. 1209

Leave to Withdraw

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

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Undedicate Revenue Received by the Bureau of Public Lands"

S.P. 556 L.D. 1559

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

S.P. 546 L.D. 1517

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Reform the Workers' Compensation Insurance Rate-making Process"

S.P. 560 L.D. 1563

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Resolve, Creating a Commission to Study Employee and Family Health Care

S.P. 567 L.D. 1595

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Legislative Disclosure Laws"

S.P. 170 L.D. 327

Ought to Pass

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Clarify the Law Governing Prelitigation Screening Panels" (Emergency)

S.P. 398 L.D. 1042

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTY for the Committee on LABOR on Bill "An Act to Prevent Arbitrary Dismissal of Employees Based on Results of Substance Abuse Testing"

S.P. 221 L.D. 537

Reported that the same Ought to Pass.

Which Report was READ.

On motion by Senator DUTREMBLE of York, Tabled Unassigned, pending ACCEPTANCE OF THE COMMITTEE REPORT.

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act Regarding the Exclusion of Family Members under a Motor Vehicle Liability Insurance Policy"

S.P. 267 L.D. 695

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-206).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-206) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GILL for the Committee on EDUCATION on Bill "An Act to Increase the State Share of Education Funding and to Increase the Minimum State Allocation"

S.P. 169 L.D. 326

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-209).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-209) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services"

S.P. 520 L.D. 1427

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-203).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-203) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors"

S.P. 552 L.D. 1555

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-204).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-204) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Law Governing the State Capitol Commission" (Emergency)

S.P. 461 L.D. 1246

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-198).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-198) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BALDACCI for the Committee on TAXATION on Bill "An Act to Allow the Maine Potato Board and the Maine Blueberry Commission to Retain Interest on the Cash Balance of Tax Funds"

S.P. 326 L.D. 863

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-202).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-202) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Change the Listing Procedure on Town Warrants"

H.P. 1132 L.D. 1575

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

House As Amended

Bill "An Act to Criminalize Marijuana"

H.P. 294 L.D. 406

(C "A" H-333)

Bill "An Act to Ensure Public Access to the Shoreland Zone"

H.P. 415 L.D. 558

(C "A" H-331)

Bill "An Act to Require Country of Origin Labeling on Fresh Produce"

H.P. 591 L.D. 809

(C "A" H-329)

Bill "An Act to Allow the Consideration of Foreign Convictions in Drug Cases"

H.P. 741 L.D. 1024

(C "A" H-335)

Bill "An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws"

H.P. 757 L.D. 1061

(C "A" H-338)

Bill "An Act to Provide a Fee Adjustment for Civil Process Servers"

H.P. 781 L.D. 1093

(C "A" H-327)

Bill "An Act to Increase the Penalty for Drug Crimes Committed while in Possession of a Firearm"

H.P. 804 L.D. 1116

(C "A" H-324)

Bill "An Act to Prohibit the Sale of Unlawful Drugs in or near Schools"

H.P. 816 L.D. 1144

(C "A" H-342)

Bill "An Act to Provide for the Forfeiture of Firearms Used to Commit Crimes"

H.P. 820 L.D. 1148

(C "A" H-337)

Bill "An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons"

H.P. 826 L.D. 1158

(C "A" H-336)

Bill "An Act to Provide Final Price Disclosure to Potato Growers"

H.P. 841 L.D. 1173

(C "A" H-330)

Bill "An Act Concerning the Rights of a Father to Bring a Paternity Action"

H.P. 847 L.D. 1179

(C "A" H-326)

Bill "An Act to Amend the Maine Administrative Procedure Act"

H.P. 883 L.D. 1227

(C "A" H-328)

Bill "An Act to Increase the Punishment for Trafficking in Cocaine"

H.P. 924 L.D. 1290

(C "A" H-339)

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

H.P. 981 L.D. 1359

(C "A" H-343)

Bill "An Act to Regulate Water Flowage over Hydropower Dams"

H.P. 1086 L.D. 1508

(C "A" H-332)

Bill "An Act Concerning Public Water Supplies in the Mid-coast Area"

H.P. 1202 L.D. 1672

(C "A" H-340)

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

Senate

Bill "An Act to Provide a Secure Treatment Facility at the Maine Youth Center"

S.P. 90 L.D. 95

Bill "An Act to Prohibit the Irradiation Within the State of Food for Human or Animal Consumption"

S.P. 533 L.D. 1468

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Providing for the 1989 Amendments Pertaining to the Finance Authority of Maine Act"

S.P. 316 L.D. 821  
(C "A" S-195)

Bill "An Act Relating to the Reemployment of Injured Workers Under the Workers' Compensation Act"

S.P. 339 L.D. 900  
(C "A" S-193)

Bill "An Act to Increase the Family Allowance under the Unemployment Compensation Law"

S.P. 344 L.D. 914  
(C "A" S-194)

Bill "An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat"

S.P. 501 L.D. 1375  
(C "A" S-192)

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

S.P. 535 L.D. 1470  
(C "A" S-189)

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 Amend the Child and Family Services and Child Protection Act and the Law Governing Shelters for Children

H.P. 303 L.D. 415  
(C "A" H-201; H "A" H-322)

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  
(H "A" H-290 to C "A" H-269)

An Act Concerning Solid Waste Management

H.P. 1046 L.D. 1457  
(C "A" H-283)

An Act Regarding Documentation of Rabies Shots for Dogs Brought into This State

H.P. 1076 L.D. 1498

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

An Act to Insure Maintenance of Financial Responsibility by All Motorists

S.P. 172 L.D. 329

Senator THERIAULT of Aroostook, moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers in NON-CONCURRENCE.

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

Senator COLLINS: Thank you Madam President. Madam President, men and women of the Senate. The Body will remember that a few days ago when we debated this Bill, as you may recall it plugs the loophole in the present law relating to "mandatory insurance" for automobiles. This Body, by a very substantial majority, indicated their support for

that effort. You may recall that in the last session, we passed a law requiring people to insure their automobiles, but we made a number of easy loopholes in the thing to the effect that a person could buy insurance after he was stopped for a moving violation or an accident. If he purchased insurance before his scheduled court time, the charge was dismissed. This modest improvement says that he must have that insurance at the time he is picked up or otherwise he will go to court and face whatever fine is indicated by the judge. As you may know, the ultimate mandatory situation would provide for proof of insurance at the time of purchase of the vehicle. This stops short of that, but it does increase the recognition that Maine people must have insurance on their automobiles in order to protect the other parties. So, I would urge you to reject the pending motion and go on to Enact the Bill. Thank you.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion of Senator THERIAULT of Aroostook, to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

An Act to Fund Community-based AIDS Programs and Services

H.P. 622 L.D. 845  
(C "A" H-285)

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

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  
(C "A" H-280)

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

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION  
IN SENATE

Senate called to order by the President.

An Act to Provide Support for Nonprofit Community AIDS Organizations Which are Members of a Statewide AIDS Alliance

H.P. 588 L.D. 792

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

Emergency

An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture

H.P. 739 L.D. 1022  
(H "A" H-291 to C "A" H-266)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 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 Increase the Number of Superior Court Justices and District Court Judges

H.P. 849 L.D. 1181  
(C "A" H-286)

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

Emergency Resolve

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

H.P. 1197 L.D. 1664  
(C "A" H-284)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 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

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

Bill "An Act Concerning Teacher Employment"  
H.P. 486 L.D. 666  
(S "A" S-171 to C "A" H-163)

Tabled - June 2, 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.)

(In Senate, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163) AS AMENDED BY SENATE AMENDMENT "A" (S-171) thereto in NON-CONCURRENCE.)

(In House, June 1, 1989, that Body ADHERED.)

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

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

Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (Emergency)

H.P. 152 L.D. 204  
(C "A" H-312)

Tabled - June 2, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, June 2, 1989, READ A SECOND TIME.)

(In House, May 31, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312).)

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. The Committee on Appropriations and Financial Affairs made an attempt to try to use money in stripper well for the removal of underground tanks. We find that we cannot do that, we wish that we could. This is one of the places where we attempted to do that.

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

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

An Act to Permit the Reopening of Certain Workers' Compensation Cases

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

Tabled - June 2, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270).)

(In House, June 1, 1989, PASSED TO BE ENACTED.)

Which 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:

An Act Relating to State Personnel Administration  
S.P. 100 L.D. 119  
(H "A" H-271 to C "A" S-104)

Tabled - June 2, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104) AS AMENDED BY HOUSE AMENDMENT "A" (H-271), thereto, in concurrence.)

(In House, June 1, 1989, PASSED TO BE ENACTED.)

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

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

An Act Regulating the Sale of Grave Markers by Funeral Establishments

H.P. 434 L.D. 599  
(C "A" H-241)

Tabled - June 2, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (H-241).)

(In House, May 30, 1989, PASSED TO BE ENACTED.)

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

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

An Act to Insure Maintenance of Financial Responsibility by All Motorists

S.P. 172 L.D. 329

Tabled - June 5, 1989, by Senator DUTREMBLE of York.

Pending - Motion of Senator THERIAULT of Aroostook, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.



(In House, June 2, 1989, PASSED TO BE ENACTED.)

(In Senate, May 25, 1989, PASSED TO BE ENGROSSED, in concurrence.)

Senator KANY of Kennebec requested a Division.

On motion by Senator BUSTIN of Kennebec, the Committee Report was READ.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. As you can tell from the reading of the Committee Report, this was a Majority Ought Not to Pass Report. What this Bill essentially does is require now, instead of what we have now, that if you get stopped by the police and you do not have auto insurance, that you have twenty-four hours to get it and present it to the judge before you go to court. That saves a thirty-eight dollar and fifty cent fee for those people who did not have insurance. There may be lots of reasons why they don't have insurance. This Bill would require that you have the insurance before you get picked up. That makes it absolute that nobody in this state can drive without insurance.

Let me tell you what would happen. If we weren't a state that had problems with mass transit, I probably would be supporting the Minority Report. But, as a matter of fact, we don't have a mass transportation system in Maine. We need to get that straight. People can't get to work, they can't get to the doctors, they can't transport their children, they can't do those things. One, a lot of times because they don't have any money, even for the gas. Two, they may even be driving without a license because they can't afford it. I can't believe that people in this state want to go uninsured, that they want to drive without a license. There are many times in people's lives, and I am sure that some of us in this Chamber have been there, when you simply do not have those two nickels to rub together, but you have to meet some responsibilities, one of which is getting to the job. So, you are going to fudge it a little bit, you say you are going to take a chance, you are going to be very careful, so that you can get that first pay check and get that insurance for that car because that is really what you want. Who wants to drive without insurance? The answer is those people who can't afford it. So, what happens in the real world? At least in those cases that I handle, that come to me, is that they get stopped for an infraction, a tail light is out, they went five or ten miles over the speed limit. It can be just a little thing.

Under the law that you are looking at right now, the Minority Report, they would have to have that insurance, right then and there or twenty-four hours after they get stopped. You might as well say that they have to have it then. They don't have a chance to get it before they go to court. That, to me, is putting an incredible burden. By their own admission, the proponents have indicated that we have a very high percentage of people in the State of Maine who are already insured. Why do we want to put an additional hardship? I don't think, statistically nation-wide, that you are going to find better statistics than that. You have already got where you want to go with mandatory auto insurance. Why are we doing this? I am going to be handling a lot more cases and what is going to be happening is that you are going to have a lot more people who do not drive with licenses, because they can't afford to pay the insurance, they can't afford to pay the fine, thirty-eight dollars and fifty cents. They fail to appear in court, they get suspended, and they continue to drive until they are absolutely taken off

the road. Not because they want to, because they have to. Believe you me, you will have more people who will have to if this Bill Passes. Thank you.

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. In response to the good Senator from Kennebec, Senator Bustin's question, the reason that we want this is to protect ourselves, the ninety percent, from the ten percent of irresponsible motorists that don't have insurance.

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. In response to the last few remarks made by the good Senator from Kennebec, Senator Matthews, I don't think that those ten percent are the "irresponsible". I think that they are the poor, who have no other choice. I don't think there is anybody, I don't care who they are, who wants to drive without automobile insurance. I think everybody wants automobile insurance, but the fact of the matter is that not everybody can afford it. It discriminates on the basis against the poor, it discriminates on the basis if you are a young man, it costs you a lot more. It is very difficult.

The Senator from Kennebec, Senator Bustin, said that sure, it will work, you can have mandatory insurance if you have mass transit and she is right. The State of Maine does not have mass transit. I think I know what the results of this vote is going to be. I know what it was the other day, I know what it was last year. I know that I have insurance and always have had insurance and will always be required to have insurance. I understand the value of it all, but I was lucky because I always had the wear with all to buy insurance. You just try living in this state if you don't and see how far you get to work when you don't have any money in this state. If you live in Monson, or if you live anywhere else in this state that is rural, try your luck at trying to get some insurance when you don't have any money.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. This raises a rather important question in my mind. I am sure there are people who can't afford insurance, but I wonder what happens to that poor person who doesn't have money for their gas, the person who doesn't have the money to do these things, is run into by somebody that doesn't have insurance. What happens to that person when their car is demolished? What happens to that person if they are put into the hospital?

When I was a young fellow and I wanted to have a car and drive it, my father said fine, when you can pay for your insurance. The kids today are out earning five dollars an hour, they all have automobiles, they are all driving to high school, there is a certain element in this state that should have insurance and there is certainly people who can't afford it. I wonder what happens to the poor person whose car is wrecked by somebody who doesn't have insurance and they are in the hospital and they don't have anything and they cannot replace that vehicle.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. In the first place, most of our policies have an uninsured motorist clause in there, so you already get that payment. Secondly, you have a minimum level right now of what is paid anyway, whether it is under your

uninsured motorist or your own insurance. Third, I can quote you two cases today, I could bring them right before you, that I have been handling. They both were hit by another driver. Clearly, nobody disputes the fault. One accident happened last September which has not been paid to date. The other one is in the same area, who is very verbal about the rough deal he is getting from the insurance company because he is not being paid. He has been paid some.

This doesn't insure that the person who has been hit is going to have their medical bills paid before they have to do away with their home, their car, and every other thing. It doesn't insure that the insurance companies are going to make a judgement immediately and get that thing taken care of, even though there is no question of who is guilty. It doesn't insure any of that. All it does is put that poor person having to make the choice.

The Senator from Androscoggin, Senator Gauvreau, and I put in a Bill to increase dental health care in this state, for those people who don't fall into the medicaid and don't have enough money to send their kids to the dentist. It has been defeated. There is another choice that the person I am talking about has to make. Do they buy car insurance, or do they make sure their children's teeth are taken care of? Which do they do? You make the choice.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. It wasn't that long ago that the Senator from Cumberland, Senator Brannigan, and myself had a discussion on this particular issue. I remember not liking that Bill that the Senator from Cumberland, Senator Brannigan, introduced which was moving towards compulsory insurance and was becoming mandatory insurance. The key provisions and problems with that legislation were the fact that if you got into an accident it was always after the fact that you had to show proof of insurance. There are a lot of people who thought we were passing compulsory insurance, but, in fact, we were passing mandatory insurance and I found out what the distinction was. If they were picked up for a moving violation, or if they had been in an accident, they had to show proof of insurance and if they didn't show proof of insurance then there were certain other legal things that entered into it. I think that the Bill that is before you, and the Amendment, is going to tighten up those loopholes, because the concern is for those people that are insured, that are driving, that are safe and responsible to be protected while they are out on the road. I think this Bill goes towards making sure that people realize that before you do go out on the road, that you need to have that insurance, as well as the other person who is out there driving on the road. Why should all the insured in the State of Maine pay twenty-four dollars a year for the uninsured motorists portion, which does not cover all the insurance that may have to come about because of an accident or an injury? Why should they? Everybody should accept a responsibility when they go out on the roads, it should not be something that is out there for everybody else and a certain segment of the population can just go out and play like on a dart board with other people's responsibilities. So, I hope that you would defeat the pending motion.

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 believe the Senator from Penobscot, Senator Baldacci, misspoke himself and would not wish you to support

the pending motion. The pending motion is the Indefinite Postponement of this Bill. From his remarks, he sounds to me to be supportive of tightening up, just a bit, the law which we finally passed two years ago, which went into effect a year ago, which now says that the people in the State of Maine must drive with insurance. It was, as I said before, a gentle law allowing people to take a period of time to get used to it, to get insurance, to understand about it. The poor persons argument has always been used over the fifty years that this has been debated, and, certainly, that is an understandable one. I wish that everyone could afford insurance. I wish they could afford the repairs on their cars to have stickers properly affixed. I wish that they could afford many things. As has been said, the poor persons argument goes both ways. Poor people get hit too. When we built a coalition around this issue, there were elderly groups that joined us and many of them because of the poverty issue. So, I would ask you to defeat the pending motion and go on to Pass this gentle inclusion in increasing the penalties regarding breaking the law, which is driving without insurance.

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. What difference does this Bill make anyway? The only difference it makes is at the present time if you get picked up for speeding, or whatever, the officer says, can I see your proof of insurance card? If you don't have insurance he says you need to get it or you are going to be fined. So, the person goes out and he buys his insurance, provides proof and that is the end of it. Under this Bill, what happens to a poor person is the only thing that is different is that he gets fined. He still won't have insurance, at the time that he gets picked up. He won't have had insurance probably, but he will get fined. That is the only difference.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. Last week, when we debated this issue, I politely retained my seat, but hearing some the debate today I felt just a compulsive urge to stand and try to give my perspective, as one who operates in the arena on a daily basis when I am not here. I will tell you what the difference is between that person who gets stopped with a broken tail light, as opposed to that same person who is filling out the accident report for the officer right after the accident. Someone is injured or maimed and they don't have insurance or they don't have an insured motorist policy to call on, just bodily injury, and they are still poor and they are still without a car and there are bodies laying all over the place. Who is going to pick up that tab? I have heard this Legislature and Legislatures before who were concerned with the people of this state and I am concerned for the people of this state and their welfare. To say that it is okay after the accident, to buy the insurance so that next time you have an accident you will be covered, I don't think is treating that poor person very well. 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. If we think that this Bill will have every automobile, every motor vehicle, in this state insured if this is

Passed, we believe in fairy tales. Even in those states that have very stringent measures that you can't even register a vehicle unless you show proof of insurance, do no better than us with the present system that we have on the books today. We have generally about ninety-one percent of our motorists in this state insured. In those states that have more stringent measures, they are not doing any better than we are. As a matter of fact, our system is working so well, that we have other states that are looking to us to see what we did to get such good compliance by using such mild measures to get it. The law that we have was put on a few years ago sort of as a trial to see if we could get better participation. We wanted to do it in such a way that it would not really hurt people and still get them insured. Before that time, we had about eighty-five percent participation. By putting this law on the books, we now have ninety-one percent, which is really tremendous when we look at it.

In this kind of requirement, even if you were to put people in jail for not having auto insurance, you will not have one hundred percent participation. I think we have reached a point of diminishing return where in order to achieve one percentage point, we will have to ask someone to be without transportation to get to their job, to be without transportation to get to the doctor. Are we willing to do that to get one or two percentage points for better compliance? I certainly do not want to do that. Thank you.

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

A Division was requested.

Will all those Senators in favor of the motion of Senator THERIAULT of Aroostook, 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.

6 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion of Senator THERIAULT of Aroostook, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

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

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Senate at Ease  
Senate called to order by the President.

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Off Record Remarks

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On motion by Senator HOBBS of York, ADJOURNED until Tuesday, June 6, 1989, at 12:00 in the afternoon.