

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

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

In Senate Chamber
Friday
June 9, 1989

Senate called to Order by the President.

Prayer by the Honorable Jerome A. Emerson of Penobscot.

SENATOR EMERSON: Let us be in the spirit of prayer. Heavenly Father, as we bow before You this morning, we pause to say thank you for Your goodness and mercy and for the kindness You have bestowed upon us. We pray that You would grant us wisdom and compassion as we struggle with the many decisions before us this day and the days ahead. Through Your guidance, may we be moved to make broad minded decisions that benefit the people we come here to serve. This we ask in Christ's name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Reform the Maine Board of Professional Surveyors Law"

H.P. 513 L.D. 693
(H "A" H-320 to C
"A" H-311)

In Senate, June 2, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS AMENDED BY HOUSE AMENDMENT "A" (H-320) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS AMENDED BY HOUSE AMENDMENTS "A" (H-320) AND "B" (H-432) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Establish the Medicaid Advisory Committee on Mental Health"

S.P. 467 L.D. 1252
(C "A" S-184)

In Senate, June 1, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-434) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Smoking in Nursing Homes and Boarding Care Facilities"

H.P. 920 L.D. 1286
(C "A" H-288)

In Senate, May 31, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288) AS AMENDED BY HOUSE AMENDMENT "A" (H-433) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Amend the Laws Governing the Purchase of Liquor from Agency Liquor Stores"
H.P. 1239 L.D. 1731

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

On motion by Senator BALDACCI of Penobscot, under suspension of the Rules, the Bill READ ONCE, without reference to a Committee, and ORDERED PRINTED in NON-CONCURRENCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Joint Orders

The following Joint Order: H.P. 1240
ORDERED, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a bill, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing," to the House.
Comes from the House READ and PASSED.
Which was READ and PASSED, in concurrence.

The following Joint Order: H.P. 1241
ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out a bill "An Act Regarding Governmental Ethics" to the House.
Comes from the House READ and PASSED.
Which was READ and PASSED, in concurrence.

SENATE PAPERS

Bill "An Act to Establish the Maine Outdoors Program"

S.P. 639 L.D. 1732

Presented by Senator WEBSTER of Franklin
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator GOULD of Waldo (Cosponsored by: Representative WHITCOMB of Waldo) the following Joint Resolution:

S.P. 640

JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF THE TOWN OF ISLESBORO

WHEREAS, Maine's scenic islands are and have been the home of generations of hardy individualists who exemplify the ideals of self-reliance and determination; and

WHEREAS, the continued settlement and prosperity of these rugged and beautiful places serve as a testament to those who wrest their living from an unforgiving sea and who are the careful stewards of limited island resources; and

WHEREAS, one of these very special communities is the Town of Islesboro, comprised of a cluster of islands southeast of Belfast in Penobscot Bay, which has been continuously occupied since its settlement in 1764 by Shubael Williams and in 1769 by William Pendleton and Benjamin Thomas; and

WHEREAS, Islesboro and its citizens have been able to preserve the character, charm and beauty of Long Island at the same time as they have welcomed summer visitors and crafted their fine "cottages;" and

WHEREAS, the decendants of the original settlers, the year round residents of the town and the seasonal residents who return year after year take great pride in this special place and in the harmony they have achieved with their surroundings; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity in the year of the 200th anniversary of the Town of Isleboro to pause and commend the officials and citizens of this fine town for the success which they have achieved together for 2 centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of these proud isles in honor of the occasion.

Which was READ and 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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Promote Recycling and Improved Solid Waste Management"

H.P. 103 L.D. 139

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Create the Maine Solid Waste Authority"

H.P. 1115 L.D. 1548

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 Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund"

H.P. 1166 L.D. 1620

The Committee on BUSINESS LEGISLATION on Bill "An Act to Promote Responsible Utilization of Ground Water"

H.P. 1011 L.D. 1409

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (Emergency)

H.P. 716 L.D. 977

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-400).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-400) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Resolve, Concerning Africanized Bees

H.P. 1055 L.D. 1477

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-405).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-405) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Provide Respite Care Services for Families of the Mentally Ill

H.P. 1042 L.D. 1453

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-395).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-395) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of Programs of State Government under the Maine Sunset Laws" (Emergency)

H.P. 1218 L.D. 1690

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-412).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-412) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation"

H.P. 225 L.D. 305

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-404).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404).

Which Report was READ.

On motion by Senator PEARSON of Penobscot, Table 1 Legislative Day, pending ACCEPTANCE OF THE COMMITTEE REPORT.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Natural Resources Protection Act"

H.P. 813 L.D. 1125

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-399).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-399) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Establish the Child Welfare Advisory Committee and to Redesignate the Bureau of Social Services as the Bureau of Child and Family Services"

H.P. 1024 L.D. 1425

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-393).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AND HOUSE AMENDMENT "A" (H-418).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-393) READ and ADOPTED, in concurrence.

House Amendment "A" (H-418) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Revise the Communicable Disease Law"

H.P. 1122 L.D. 1554

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-408).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-408) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend the Laws Relating to Small Claims"

H.P. 1007 L.D. 1405

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-396).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-396) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Allow Municipal Clerks to Inspect Blank Ballots Prior to Election Day"

H.P. 794 L.D. 1106

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-398).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-398) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Require Municipalities to Leave the Names of Women Who Marry on Voting Registration Records"

H.P. 961 L.D. 1339

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-397).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-397) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Undedicate the Alcohol Premium Tax Fund"

H.P. 710 L.D. 971

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-422).

Signed:

Representatives:

CARTER of Winslow
POULIOT of Lewiston
HIGGINS of Scarborough
RIDLEY of Shapleigh
CHONKO of Topsham
LISNIK of Presque Isle
MCGOWAN of Canaan

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

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland
PERKINS of Hancock

Representatives:

FOSTER of Ellsworth
FOSS of Yarmouth
CARROLL of Gray

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator PEARSON of Penobscot, the Minority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Establish the School Finance Act of 1989"

H.P. 1220 L.D. 1692

Reported that the same Ought Not to Pass.

Signed:

Senators:

ESTES of York
BOST of Penobscot
GILL of Cumberland

Representatives:

O'GARA of Westbrook
HANDY of Lewiston
PARADIS of Frenchville
SMALL of Bath
OLIVER of Portland
NORTON of Winthrop
O'DEA of Orono
AULT of Wayne
CROWLEY of Stockton Springs

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

Signed:

Representative:

KILKELLY of Wiscasset

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning the Public Advocate"

H.P. 1070 L.D. 1492

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin
CARPENTER of York

Representatives:

BEGLEY of Waldoboro
WENTWORTH of Wells
HANLEY of Paris
MCCORMICK of Rockport
DAGGETT of Augusta

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-380).

Signed:

Senator:

ESTY of Cumberland

Representatives:

GWADOSKY of Fairfield
HEESCHEN of Wilton
LARRIVEE of Gorham
ROTONDI of Athens
JOSEPH of Waterville

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

On motion by Senator BALDACCI of Penobscot, the Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.

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 ESTY for the Committee on LABOR on Bill "An Act Relating to Payment for Mandatory Overtime Work on Sundays and Holidays"

S.P. 515 L.D. 1411

Senator ESTY for the Committee on LABOR on Bill "An Act to Create the Lineworker's Safety Act"

S.P. 558 L.D. 1561

Senator BOST for the Committee on UTILITIES on Bill "An Act to Establish Domestic Preference for Long-term Power Generation"

S.P. 616 L.D. 1711

Leave to Withdraw

The following Leave to Withdraw Report 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 Relating to the Certificate of Need Act"

S.P. 613 L.D. 1708

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Adult Day Care Through Long-term Care Facilities and Other Community Sites"

S.P. 110 L.D. 165

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GILL for the Committee on EDUCATION on Bill "An Act to Move Certain Minor Capital Costs from the Operating Allocation to the Debt Service Allocation under the School Finance Act of 1985" (Emergency)

S.P. 82 L.D. 83

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-238).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-238) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to School Construction"

S.P. 459 L.D. 1244

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-230).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-230) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act Concerning Fines Collected by the Courts"

S.P. 551 L.D. 1522

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-228).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-228) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTY for the Committee on LABOR on Bill "An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees" S.P. 142 L.D. 262

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-237). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-237) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BRANNIGAN for the Committee on MARINE RESOURCES on Bill "An Act Dealing with Removal of Dislodged Lobster Gear" S.P. 419 L.D. 1130

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-234). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-234) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ENACTORS

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

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 (C "A" H-359)

An Act to Modify the Statute of Limitations in Sexual Abuse of Minors Cases H.P. 202 L.D. 282 (C "A" H-375)

An Act Pertaining to Breast Cancer Treatment H.P. 219 L.D. 299 (C "A" H-341)

An Act to Strengthen the Laws Concerning Marijuana H.P. 294 L.D. 406 (C "A" H-333)

An Act to Require Notice of Termination of Policies Issued under an Assigned Risk Plan H.P. 428 L.D. 593 (C "A" H-376)

An Act to Require the Commission on Manufactured Housing to Study Mediation of Disputes Between Mobile Home Park Operators and Tenants H.P. 465 L.D. 630 (C "A" H-357)

An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Public Works Employees Involved in Collisions H.P. 503 L.D. 683 (C "A" H-378)

An Act Concerning Withdrawal of Candidates H.P. 559 L.D. 757 (H "A" H-282 to C "A" H-234)

An Act to Strengthen and Improve Enforcement of Environmental Laws H.P. 629 L.D. 852 (C "A" H-361)

An Act to Amend the Law Relating to Submerged Land H.P. 668 L.D. 910 (C "A" H-379)

An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Trafficking S.P. 402 L.D. 1046 (C "A" S-183)

An Act to Restrict Smoking in Enclosed Shopping Malls H.P. 751 L.D. 1055 (S "C" S-177 to C "A" H-190)

An Act Relating to Motor Vehicle Insurance Surcharges Due to License Suspension H.P. 765 L.D. 1069 (C "A" H-377)

An Act to Clarify the Definitions of Cocaine and Heroin H.P. 795 L.D. 1107 (C "A" H-355)

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)

An Act to Allow Municipalities To Be Reimbursed for Costs Incurred in Hazardous Waste Spills H.P. 809 L.D. 1121 (C "A" H-371)

An Act to Amend the Time within which a Juvenile Detention Hearing Must Be Held S.P. 421 L.D. 1132

An Act Amending the Oil and Solid Fuel Board Laws H.P. 973 L.D. 1351 (C "A" H-370)

An Act Making Changes to the Composition of the Governor's Advisory Council on Alcoholism S.P. 506 L.D. 1394 (S "A" S-200 to C "A" S-180)

An Act to Make General Assistance More Available to Homeless People and Clarify the Definition of Need H.P. 1061 L.D. 1483 (C "A" H-352)

An Act to Amend the Law Relating to Court Security H.P. 1106 L.D. 1539

An Act to Amend the Antitrust Laws to Permit Suits by Indirect Purchasers H.P. 1186 L.D. 1653

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 Directing the Department of Educational and Cultural Services to Study Class Size and Related Issues H.P. 39 L.D. 39 (C "A" H-358)

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

An Act to Allow a Student an Option in Biological Dissection H.P. 253 L.D. 365 (H "A" H-383 to C "A" H-334)

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending ENACTMENT.

An Act to Require Administrators of Boarding Homes to Obtain Continuing Education H.P. 914 L.D. 1280

(C "A" H-309)

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

An Act to Increase the Punishment for Trafficking in and Possession of Cocaine

H.P. 924 L.D. 1290
(C "A" H-339)

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

An Act to Equalize State Retiree Health Benefits

S.P. 493 L.D. 1367
(C "A" S-186)

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

An Act to Implement Civil Penalties for Passing Worthless Instruments

S.P. 251 L.D. 641
(C "A" S-172)

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

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

H.P. 757 L.D. 1061
(C "A" H-338)

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

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

H.P. 816 L.D. 1144
(C "A" H-342)

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

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

H.P. 820 L.D. 1148
(C "A" H-337)

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

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)

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

Resolve

Resolve, to Create the Advisory Committee to Update the Maine Aviation Systems Plan

H.P. 750 L.D. 1054
(C "A" H-354)

Which was FINALLY PASSED.

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby the Bill was FINALLY PASSED.

On further motion by same Senator, placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

Emergency

An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 365 L.D. 496
(C "A" H-126; S "A" S-88; S "E" S-201)

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 Clarify Use of Corporate-owned Life Insurance Policies

H.P. 411 L.D. 554
(C "A" H-356)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws

H.P. 667 L.D. 909
(C "A" H-360)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 700 L.D. 952
(C "A" H-345)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Authorize County Commissioners to Provide Additional Facilities for Prisoners

H.P. 978 L.D. 1356
(C "A" H-373)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the

Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire

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

Emergency

An Act to Correct Errors and Inconsistencies Regarding Reporting Requirements in the General Assistance Laws

H.P. 997 L.D. 1386
(C "A" H-351)

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

Emergency

An Act to Continue Habilitation and Vocational Rehabilitation Services to Eligible Clients

H.P. 1082 L.D. 1504
(C "A" H-350)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Allow the Creation of the Megunticook Watershed District

H.P. 1205 L.D. 1675
(C "A" H-348)

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

Emergency Resolve

Resolve, to Protect and Preserve Certain Property in Saco Owned by the Finance Authority of Maine

H.P. 1210 L.D. 1682

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Reorganize the Duties of the Board of the Maine Children's Trust Fund"

S.P. 302 L.D. 800

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-214)

Tabled - June 8, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 8, 1989, Reports READ.)

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

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

Bill "An Act to Prevent, Punish and Remedy Violations of Constitutional Rights"

H.P. 896 L.D. 1253
(H "A" H-363; C "A" H-325)

Tabled - June 8, 1989, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, June 6, 1989, READ A SECOND TIME.)

(In House, June 2, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325) AND HOUSE AMENDMENT "A" (H-363).)

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-236) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. The legislation before you would establish public and private remedies to vindicate violation of rights protected under the state or federal Constitution, which would prohibit discrimination in such areas as sounding on an ethnic, racial, or religious bias. The Amendment, which I am offering, would actually restrict or limit the causes of action which could arise under this legislation, because the Amendment, which I offer, would attach an intentionalities standard. In other words, unless a party could prove by the ponderous of the evidence that a municipal official or any other person working under state law, unless the plaintiff could establish that the conducting question was intentional, then no such private action could occur. So, the intent of the Amendment, which I am offering to the Body, is to restrict the amounts or numbers of actions which could be brought pursuant to this legislation. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-236) ADOPTED.

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 Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015
(S "A" S-155 & H "A" H-407 to C "A" S-146)

Tabled - June 8, 1989, by Senator CLARK of Cumberland.

Pending - Motion to RECEDE and CONCUR

(In Senate, June 8, 1989, RECONSIDERED whereby the Senate RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto.)

(In House, June 6, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS

AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto, in NON-CONCURRENCE.)

(In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155).)

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

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I would hope that the Senate would vote against the pending motion and I would like to speak to that contention. The Bureau of Health currently has six people with advanced degrees in public health, thus diminishing the need for the Director to have that particular credential. The Bill that is before us, as it is finally amended, would allow that the Director of the Bureau of Health must have this advanced degree to be considered for that position. I would submit that at least currently with six people with advanced degrees in public health, there certainly would not seem to be a need that the Director also have that particular credential. Also, twenty applicants for the current position, nine were considered appropriate for interviews by the review panel, consisting of the Department with five community agencies. Seven of the nine, including doctors with masters in public health degrees, withdrew due to the current non-competitive pay scale which the Director's position is funded at. Of the thirty Director positions in state government, none have legislatively mandated qualifications like those proposed in this L.D. in its final amended version. Because of the difficulty in recruiting positions at AMHI, a thirty percent pay raise has been proposed in that particular institution. The Department of Human Services had submitted a fiscal note of twenty-five thousand dollars to create a competitive rate of pay for this position and the Department of Fiscal and Program Review has removed the fiscal note. If we are to place these types of restrictions on the Department of Human Services, we should either include the fiscal note or remove this Amendment and remain with Senate Amendment "A" and Committee Amendment "A". Thank you.

Senator RANDALL of Washington requested a Division.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge the Body to Recede and Concur with the action taken by the other Body and would lay out the reasons for my request.

The legislation before the Senate today, L.D. 1015, pertains to the qualifications which we would set in statute regarding the position of Director of the Bureau of Public Health. As you know, I do Chair the Committee on Human Resources and our Committee has jurisdiction over the Department of Human Services and it is major concern of mine in submitting this legislation that we take appropriate and reasonable measures to insure that the individual who occupies the position as Director of the Bureau of Public Health be a person seasoned in public health discussions and policy and also be a person who has a sufficiently advanced degree in public health, as to allow that individual to thoroughly discharge his or her obligations to insure that the state has an appropriate public health policy.

I must take this occasion to praise the members of the Joint Standing Committee on State and Local Government, to which this Bill was referred. The Committee worked extremely hard on this legislation, in order to strike an appropriate balance. Clearly,

we do not want to impose such a high threshold for qualifications for the position as to unduly restrict the ability of the Commissioner to attract people for the Director position. At the same time, we want to address the concerns I mentioned a moment ago, to make sure that we have someone who is properly schooled in public health policy. To its immense credit, I believe the Committee has struck a very reasonable and appropriate balance. The legislation as it now stands before the Senate would require that the Bureau Director be either a licensed physician, who is educated and experienced in public health, or in the alternative be a person who has an advanced degree in public health and has significant administrative experience. It seems to me that the language which is being suggested is entirely appropriate. It clearly gives the Commissioner the flexibility to choose an individual who, in fact, will thoroughly discharge the very important responsibilities of insuring that this state enjoys an appropriate policy on public health. For these reasons, I would urge the Body to Recede and Concur with the action taken by the other Body. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion to RECEDE and CONCUR.

A Division has been requested.

Will all those Senators in favor of the motion to RECEDE and CONCUR, please rise in their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion to RECEDE and CONCUR, PREVAILED.

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

Emergency Resolve

Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire

S.P. 496 L.D. 1370
(C "A" S-185)

Tabled - June 8, 1989, by Senator ESTES of York.

Pending - FINAL PASSAGE

(In Senate, June 1, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185).)

(In House, June 7, 1989, ENACTED.)

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-185).

On further motion by same Senator, Senate Amendment "A" (S-244) to Committee Amendment "A" (S-185) READ and ADOPTED.

Committee Amendment "A" (S-185) as Amended by Senate Amendment "A" (S-244) 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 Improve Compliance with Truck Weight Limits"

H.P. 36 L.D. 36
(S "A" S-169 to C "A"
H-277)

Tabled - June 8, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277).)

(In Senate, May 26, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) AS AMENDED BY SENATE AMENDMENT "A" (S-169) thereto, in NON-CONCURRENCE.)

(In House, June 7, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) AS AMENDED BY HOUSE AMENDMENT "A" (H-420) thereto, in NON-CONCURRENCE.)

On motion by Senator TWITCHELL of Oxford, 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-277) as Amended by Senate Amendment "A" (S-169) thereto.

House Amendment "A" (H-420) to Committee Amendment "A" (H-277) READ and ADOPTED, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-242) to Committee Amendment "A" (H-277) READ and ADOPTED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Senate Amendment "A" (S-169) to Committee Amendment "A" (H-277).

On further motion by same Senator, Senate Amendment "A" (S-169) to Committee Amendment "A" (H-277) INDEFINITELY POSTPONED, in concurrence.

Committee Amendment "A" (H-277), as Amended by House Amendment "A" (H-420) and Senate Amendment "B" (S-242) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the State Fire Marshal

S.P. 116 L.D. 182
(C "A" S-133)

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

Pending - ENACTMENT

(In Senate, May 23, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (S-133).)

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

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

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. When the Bill came to the Committee, we were not under the impression that there were surpluses within the particular Department, but the Bill just called for a raising of fees of inspections. It was just raising fees to be in conformity with municipal construction permit fees and there was a need to raise those fees, because there had been quite some time since it had been done. In reviewing the fiscal impact of the Department, with a seven hundred thousand dollar surplus at this time, and noticing that the Bill

calls for a hundred and twenty-two thousand, nine hundred and fifty-five dollar increase, it is in my judgement now, as a member of that Committee, to move the Indefinite Postponement of this Bill.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. Since the sponsor of this legislation is not present today, I would like to have this Tabled for 1 Legislative Day.

On motion by Senator WEBSTER of Franklin, Tabled 1 Legislative Day, pending the motion of the Senator from Penobscot, Senator BALDACCI to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

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

An Act to Allow a Student an Option in Biological Dissection

H.P. 253 L.D. 365
(H "A" H-383 to C "A"
H-334)

Tabled - June 9, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 6, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334) AS AMENDED BY HOUSE AMENDMENT "A" (H-383) thereto, in concurrence.)

(In House, June 8, 1989, PASSED TO BE ENACTED.)

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. My quarrel is not with the Bill, but I just want to take this opportunity, as I did the other day, to point out something with regard to mandates. A year ago, we passed a Bill that said we couldn't pass on any mandates to schools without money accompanying it. The other day we had a Bill here for hazing and it ended up on the Table because it is possible that it would cost money to print that in a handbook if a school wanted to say that it costs money. We have another Bill today, which I am sure is well intentioned and all of that, but the reason it is going on the Table is because there is a potential future cost and because we are requiring schools to notify all of their students of their rights to develop alternate education projects. As Senator Esty of Cumberland, wrote to me yesterday that means they have to do a book report probably. Also, to maintain records and to handle grievances. So, you could take a school in S.A.D. whatever and they could say, well, since you have given us this mandate, it is going to cost us money to develop another program for these youngsters and that other program is going to cost twenty thousand dollars and we are going to have to put that into the general purpose money for local schools. It could make something out of nothing and I don't say that the Bill is nothing, but the cost should be nothing. But, it is possible to make something of it.

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, June 12, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
81st Legislative Day
Monday, June 12, 1989

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

Prayer by Reverend Lewis Beckford, Washington Avenue United Methodist Church, Portland.

Pledge of Allegiance.

The Journal of Friday, June 9, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 640)
JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY
OF THE TOWN OF ISLESBORO

WHEREAS, Maine's scenic islands are and have been the home of generations of hardy individualists who exemplify the ideals of self-reliance and determination; and

WHEREAS, the continued settlement and prosperity of these rugged and beautiful places serve as a testament to those who wrest their living from an unforgiving sea and who are the careful stewards of limited island resources; and

WHEREAS, one of these very special communities is the Town of Islesboro, comprised of a cluster of islands southeast of Belfast in Penobscot Bay, which has been continuously occupied since its settlement in 1764 by Shubael Williams and in 1769 by William Pendleton and Benjamin Thomas; and

WHEREAS, Islesboro and its citizens have been able to preserve the character, charm and beauty of Long Island at the same time as they have welcomed summer visitors and crafted their fine "cottages;" and

WHEREAS, the descendants of the original settlers, the year round residents of the town and the seasonal residents who return year after year take great pride in this special place and in the harmony they have achieved with their surroundings; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity in the year of the 200th anniversary of the Town of Islesboro to pause and commend the officials and citizens of this fine town for the success which they have achieved together for 2 centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of these proud isles in honor of the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Establish the Maine Outdoors Program" (S.P. 639) (L.D. 1732)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Payment for