

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
Monday
June 12, 1989

Senate called to Order by the President.

Prayer by the Honorable Bonnie L. Titcomb of Cumberland.

SENATOR TITCOMB: Dear Lord, as we gather here today, each of us busy with thoughts of things to do and decisions we will make, we ask You to share this time with us. We ask that You instill in each of us the wisdom and the courage to temper our judgement with Your will. For every decision made today, let us measure well the difference that decision will make. That we will ask ourselves at the end of our time here, what did I do to make a change, to truly make things better? While I had the chance, did I speak out with courage? Did I represent what was just and right? At the end of each day, as at the end of all of our days, can I measure with truth the purpose I have had here? Help us that we may leave behind a legacy that is not burdened with roads not taken or words unspoken. Give us strength to lead, but wisdom to know when to follow. Grant us vision and compassion, that the laws we create here truly serve the people we represent. In our every action, help us to hear Your voice in our hearts. In Your name we pray. Amen.

Reading of the Journal of Friday, June 9, 1989.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers"

H.P. 106 L.D. 143
(H "A" H-344 to C
"A" H-292)

In Senate, June 2, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY HOUSE AMENDMENT "A" (H-344) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY HOUSE AMENDMENT "B" (H-466) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

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

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

In Senate, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161) AS AMENDED BY HOUSE AMENDMENT "B" (H-451) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter
Bill "An Act to Create a Northeast Interstate Dairy Compact"

H.P. 614 L.D. 837
(C "A" H-374)

In Senate, June 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374) AS AMENDED BY HOUSE AMENDMENT "A" (H-450) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter
Resolve, to Establish a Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System (Emergency)

S.P. 389 L.D. 1034
(C "A" S-175)

In Senate, June 1, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175) AS AMENDED BY HOUSE AMENDMENT "A" (H-467) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

H.P. 1202 L.D. 1672
(C "A" H-340)

In Senate, June 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340) AS AMENDED BY HOUSE AMENDMENT "A" (H-448) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources"

H.P. 1243 L.D. 1734

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

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

Bill "An Act to Provide Adequate Financial Resources for Suspected Child Abuse and Neglect Teams" (Emergency)

H.P. 1242 L.D. 1733

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.

COMMUNICATIONS

The Following Communication: S.P. 642
114TH MAINE LEGISLATURE
June 9, 1989

Senator Stephen M. Bost

Representative Herbert E. Clark
Chairpersons
Joint Standing Committee on Utilities
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Elizabeth Paine of Hallowell for appointment as a Commissioner for the Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A. Section 105 (1988), this nomination will require review by the Joint Standing Committee on Utilities 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 UTILITIES.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
June 9, 1989

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION. Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H.P. 808) (L.D. 1120) (H. "A" H-279):

Representative GWADOSKY of Fairfield
Representative MAHANY of Easton
Representative WENTWORTH of Wells

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

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Teacher Retirement System Laws to Allow Contributions for Associates in Education" (Emergency)

S.P. 643 L.D. 1735

Presented by Senator CLARK of Cumberland
Cosponsored by Representative RYDELL of Brunswick, Representative PRIEST of Brunswick and Representative FOSS of Yarmouth
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Maine Coastal and Inland Surface Oil Clean-up Fund to Provide for Adequate Resources to Respond to a Major Coastal Oil Spill"

S.P. 645 L.D. 1738

Presented by Senator LUDWIG of Aroostook

Cosponsored by Speaker MARTIN of Eagle Lake, Senator PERKINS of Hancock and Representative MACOMBER of South Portland
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Change the Status of a Newly Established Position"

S.P. 644 L.D. 1736

Presented by Senator EMERSON of Penobscot
Cosponsored by Representative TARDY of Palmyra and Representative WHITCOMB of Waldo
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

ORDERS

Joint Resolution

Senator CLARK of Cumberland, requested that the RULES BE SUSPENDED BY UNANIMOUS CONSENT to present a Joint Resolution on behalf of Senator BRANNIGAN of Cumberland (Cosponsored by: Representative MITCHELL of Freeport, Senator ESTES of York, Representative LOOK of Jonesboro) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 641

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A NATIONAL MINIMUM CARAPACE SIZE FOR LOBSTERS

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

WHEREAS, a legal minimum carapace size limit for lobsters, Homarus americanus, is an effective way to manage and protect the lobster resource; and

WHEREAS, lobsters migrate from the coastal waters of one state to the coastal waters of other states; and

WHEREAS, lack of a uniform minimum carapace size limit between states that have a lobster industry is detrimental to the effective management of the lobster resource; and

WHEREAS, a national minimum carapace size limit for lobsters would provide uniform resource management and protection, enhance enforcement of the lobster laws concerning sale of undersize lobsters, and ease interstate tensions and rivalries in the lobster industry; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation to establish a national minimum legal carapace size limit for lobsters; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of the State, be transmitted to the Honorable George H. W. Bush,

President of the United States, the President of the Senate and the Speaker of the House of the Congress of the United States, and to each member of the Maine Congressional Delegation.

Which was READ and ADOPTED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Assist Municipalities with Respect to Harbor Improvements"

H.P. 234 L.D. 318

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:

The Committee on TAXATION on Bill "An Act to Add Uniformity to the Veterans' Property Tax Exemption Law"

H.P. 269 L.D. 381

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Increase the Price Farmers Receive for Milk"

H.P. 443 L.D. 608

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-416).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416) AS AMENDED BY HOUSE AMENDMENT "B" (H-435) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-416) READ.

House Amendment "B" (H-435) to Committee Amendment "A" (H-416) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-416) as Amended by House Amendment "B" (H-435) thereto, ADOPTED, in concurrence.

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

The Committee on AGRICULTURE on Bill "An Act to Adapt the Maine Milk Pool Law to Potential Changes in Milk Pricing"

H.P. 844 L.D. 1176

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-440).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-440) READ and ADOPTED, in concurrence.

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

The Committee on AGRICULTURE on Bill "An Act to Create a New Crop and Livestock Research and Development Program"

H.P. 869 L.D. 1208

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-442).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-442) READ and ADOPTED, in concurrence.

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Alcoholism Prevention, Education, Treatment and Research Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 563 L.D. 761

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-413).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-413) READ and ADOPTED, in concurrence.

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

The Committee on BUSINESS LEGISLATION on Bill "An Act to Recover Windfall Profits from Bottle Deposits"

H.P. 787 L.D. 1099

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-438).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-438) READ and ADOPTED, in concurrence.

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

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Real Estate Brokerage License Laws" (Emergency)

H.P. 1068 L.D. 1490

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-421).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-421).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-421) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act to Include Unorganized Territories as School Administrative Units"

H.P. 727 L.D. 1004

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-424).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-424) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act to Provide Adjustments in the Educational Funding Formula"

H.P. 836 L.D. 1168

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-437).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-437) READ and ADOPTED, in concurrence.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Prohibit the Establishment of Maximum Limit Reimbursement for Adjustments to the Prospective Rate for Nursing Staff Wages"

H.P. 154 L.D. 206

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-436).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-436) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act Criminalizing the Unlawful Possession of Class Z Drugs"

H.P. 798 L.D. 1110

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-415).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-415) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Amend the Law Concerning Taxing of Costs in Civil Actions"

H.P. 980 L.D. 1358

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-427).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-427) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Protect the Identity of Juveniles Prior to Hearing or Bind Over to Superior Court"

H.P. 1158 L.D. 1612

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-428).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-428) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Facilitate District Court Judicial Administration"

H.P. 1192 L.D. 1659

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-426).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-426).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-426) READ and ADOPTED, in concurrence.

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

The Committee on MARINE RESOURCES on Bill "An Act to Amend Certain Provisions of the Marine Resources Laws"

H.P. 201 L.D. 281

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-441).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-441) READ and ADOPTED, in concurrence.

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

The Committee on MARINE RESOURCES on Bill "An Act

to Provide Complimentary Marine Resources Licenses to Certain Persons 75 Years of Age or Older"

H.P. 342 L.D. 461

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-414).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-414) READ and ADOPTED, in concurrence.

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

The Committee on MARINE RESOURCES on Bill "An Act to Increase the Penalty for Illegal Netting of Atlantic Salmon"

H.P. 979 L.D. 1357

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-425).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-425) READ and ADOPTED, in concurrence.

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

The Committee on TAXATION on Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment"

H.P. 975 L.D. 1353

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-446).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-446) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Enhance the Management of the Fish and Game Resources of the State of Maine"

H.P. 16 L.D. 8

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-410).

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland
PERKINS of Hancock

Representatives:

LISNIK of Presque Isle
MCGOWAN of Canaan
CHONKO of Topsham
RIDLEY of Shapleigh
CARROLL of Gray
CARTER of Winslow
FOSS of Yarmouth

POULIOT of Lewiston
HIGGINS of Scarborough

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

Signed:

Representative:

FOSTER of Ellsworth

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-410).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-410) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding of Legal Services for the Elderly"

H.P. 888 L.D. 1232

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-411).

Signed:

Senators:

BRANNIGAN of Cumberland
PERKINS of Hancock

Representatives:

HIGGINS of Scarborough
MCGOWAN of Canaan
FOSTER of Ellsworth
LISNIK of Presque Isle
POULIOT of Lewiston
CHONKO of Topsham
CARTER of Winslow
CARROLL of Gray
FOSS of Yarmouth

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

Signed:

Senator:

PEARSON of Penobscot

Representative:

RIDLEY of Shapleigh

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-411).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Commission on State Finance" (Emergency)

H.P. 1113 L.D. 1546

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-423).

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland

Representatives:

MCGOWAN of Canaan
LISNIK of Presque Isle
POULIOT of Lewiston

RIDLEY of Shapleigh
CARROLL of Gray
CHONKO of Topsham
CARTER of Winslow

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

Signed:
Senator:
PERKINS of Hancock
Representatives:

FOSTER of Ellsworth
HIGGINS of Scarborough
FOSS of Yarmouth

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-423).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Strengthen Maine's Restaurant Smoking Law"

H.P. 966 L.D. 1344

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-409).

Signed:
Senators:
GAUVREAU of Androscoggin
TITCOMB of Cumberland
RANDALL of Washington

Representatives:
MANNING of Portland
ROLDE of York
BOUTILIER of Lewiston
CLARK of Brunswick
BURKE of Vassalboro
CATHCART of Orono
PEDERSON of Bangor
DELLERT of Gardiner
PENDLETON of Scarborough

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

Signed:
Representative:
HEPBURN of Skowhegan

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-409).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Allow Recovery for Wrongful Death of Unborn Children"

H.P. 408 L.D. 551

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-429).

Signed:
Senators:
HOBBINS of York
GAUVREAU of Androscoggin
Representatives:
ANTHONY of South Portland
PARADIS of Augusta

CONLEY of Portland
COTE of Auburn
RICHARDS of Hampden
MACBRIDE of Presque Isle

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

Signed:
Senator:
HOLLOWAY of Lincoln
Representatives:

FARNSWORTH of Hallowell
STEVENS of Bangor
HANLEY of Paris
HASTINGS of Fryeburg

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-429).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Reduce the Potential for Violence During Labor Disputes"

H.P. 292 L.D. 404

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-417).

Signed:
Senators:
ESTY of Cumberland
MATTHEWS of Kennebec
Representatives:

LUTHER of Mexico
MCKEEN of Windham
MCHENRY of Madawaska
TAMMARO of Baileyville
PINEAU of Jay
RUHLIN of Brewer
RAND of Portland

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

Signed:
Senator:
WHITMORE of Androscoggin

Representatives:
BUTLAND of Cumberland
REED of Falmouth
MCCORMICK of Rockport

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-417).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Regarding the Review of the Workers' Compensation Denials"

H.P. 919 L.D. 1285

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-439).

Signed:
Senators:
ESTY of Cumberland
MATTHEWS of Kennebec
Representatives:

PINEAU of Jay
REED of Falmouth
MCHENRY of Madawaska
MCKEEN of Windham
LUTHER of Mexico
TAMMARO of Baileyville
RUHLIN of Brewer
RAND of Portland

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

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

BUTLAND of Cumberland

MCCORMICK of Rockport

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-439).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Senate

Ought Not to Pass

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

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Forming the Maine Society on Science and Technology"

S.P. 572 L.D. 1600

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act Concerning the Operation of Emergency Medical Vehicles"

S.P. 482 L.D. 1303

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 BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Strengthen Financial Disclosure Laws and to Prohibit the Acceptance of Honoraria"

S.P. 437 L.D. 1154

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning the Acquisition of Data Processing Equipment and Services by State Agencies"

S.P. 559 L.D. 1562

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Mandating Standards for Ethics in Government"

S.P. 588 L.D. 1650

Ought to Pass

Senator GOULD for the Committee on TRANSPORTATION on Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Vinalhaven (Emergency)

S.P. 601 L.D. 1678

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator HOBBS for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Definition of Labels in the Beverage Container Deposit Law"

S.P. 610 L.D. 1704

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-246) READ and ADOPTED.

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

Senator BOST for the Committee on EDUCATION on Bill "An Act Concerning the Construction of Portable Classrooms"

S.P. 412 L.D. 1078

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-241).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-241) READ and ADOPTED.

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

Senator BOST for the Committee on EDUCATION on Bill "An Act to Authorize the Blue Hill School Committee to Enter into Long-term Leases of Land and Buildings for School Purposes" (Emergency)

S.P. 591 L.D. 1668

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-245).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-245) READ and ADOPTED.

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

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas"

S.P. 600 L.D. 1677

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-243).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-243) READ and ADOPTED.

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

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases"

S.P. 532 L.D. 1467

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-239).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-239) READ and ADOPTED.

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

Senator BRANNIGAN for the Committee on MARINE RESOURCES on Bill "An Act to Promote Marine Research"

S.P. 106 L.D. 140

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-240).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.
Committee Amendment "A" (S-240) READ and ADOPTED.
The Bill as Amended, LATER TODAY ASSIGNED FOR
SECOND READING.

Senator BOST for the Committee on UTILITIES on
Bill "An Act to Amend the Charter of the Canton Water
District"

S.P. 609 L.D. 1703

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-247).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-247) READ and ADOPTED.

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

Senator GOULD for the Committee on TRANSPORTATION
on Resolve, that the Deadline for the Revision of the
State's Motor Vehicle Laws be Extended (Emergency)

S.P. 569 L.D. 1597

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

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-248) READ and ADOPTED.

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

SECOND READERS

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

House

Bill "An Act to Amend the Laws Governing the
Purchase of Liquor from Agency Liquor Stores"

H.P. 1239 L.D. 1731

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, the
Bill and Accompanying Papers RECOMMITTED to the
Committee on LEGAL AFFAIRS, in concurrence.

House As Amended

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

(C "A" H-404)

Bill "An Act to Establish Disability Retirement
Benefits for Members of the Maine State Retirement
System" (Emergency)

H.P. 716 L.D. 977

(C "A" H-400)

Bill "An Act to Allow Municipal Clerks to Inspect
Blank Ballots Prior to Election Day"

H.P. 794 L.D. 1106

(C "A" H-398)

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

H.P. 961 L.D. 1339

(C "A" H-397)

Bill "An Act to Amend the Laws Relating to Small
Claims"

H.P. 1007 L.D. 1405

(C "A" H-396)

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

(C "A" H-393; H "A"
H-418)

Resolve, to Provide Respite Care Services for
Families of the Mentally Ill

H.P. 1042 L.D. 1453

(C "A" H-395)

Resolve, Concerning Africanized Bees

H.P. 1055 L.D. 1477

(C "A" H-405)

Bill "An Act to Revise the Communicable Disease
Law"

H.P. 1122 L.D. 1554

(C "A" H-408)

Bill "An Act Relating to Periodic Justification
of Programs of State Government under the Maine
Sunset Laws" (Emergency)

H.P. 1218 L.D. 1690

(C "A" H-412)

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

Senate

Bill "An Act to Provide Adult Day Care Through
Long-term Care Facilities and Other Community Sites"

S.P. 110 L.D. 165

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Provide for Continued Group
Health Insurance Coverage to Certain Injured
Employees"

S.P. 142 L.D. 262

(C "A" S-237)

Bill "An Act Dealing with Removal of Dislodged
Lobster Gear"

S.P. 419 L.D. 1130

(C "A" S-234)

Bill "An Act Relating to School Construction"

S.P. 459 L.D. 1244

(C "A" S-230)

Bill "An Act Concerning Fines Collected by the
Courts"

S.P. 551 L.D. 1522

(C "A" S-228)

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

Sent down for concurrence.

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

(C "A" S-238)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, the
Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate
RECONSIDERED whereby it ADOPTED Committee Amendment
"A" (S-238).

On further motion by same Senator, Senate
Amendment "A" (S-249) to Committee Amendment "A"
(S-238) READ and ADOPTED.

Committee Amendment "A" (S-238) as Amended by
Senate Amendment "A" (S-249) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

ENACTORS

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

An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities

H.P. 341 L.D. 460
(C "A" H-297)

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

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

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

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

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

S.P. 533 L.D. 1468

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

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

S.P. 90 L.D. 95

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

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)

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

Emergency

An Act Making Additional 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 and the Exxon Oil Overcharge Case

H.P. 152 L.D. 204
(S "A" S-217 to C "A" H-312)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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 Family Allowance under the Unemployment Compensation Law

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

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 Relating to the Maine Commission on Mental Health

S.P. 408 L.D. 1074
(H "A" H-387 to C "A" S-166)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 for the Preservation of Affordable Rental Housing in Maine

H.P. 948 L.D. 1316
(H "A" H-321 to C "A" H-295)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 Expand the Health Occupations Training Project

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Establish the Commission on Maine's Food Policy

H.P. 1244 L.D. 1737

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

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

Under suspension of the Rules, all matters thus acted upon, with the exception of those items being held, were ordered sent down forthwith for concurrence.

HELD BILL

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

Senator CLARK: Thank you Mr. President. Is the Senate in possession of L.D. 1015?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it RECEDED and CONCURRED on:

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)

(In Senate, June 9, 1989, 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) thereto.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending Motion to RECEDE and CONCUR.

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator GAUVREAU of Androscoggin, RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator CLARK of Cumberland, RECESSED until 3:30 this afternoon.

After Recess
Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1245
ORDERED, the Senate concurring, that "An Act Regarding the Maine Vocational-Technical Institute System," H.P. 660, L.D. 902, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.
Which was READ.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 20 Senators having voted in the affirmative and No Senators having voted in the negative, and 20 being more than two-thirds of the members present and voting, the Joint Order was PASSED, in concurrence.

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

ENACTORS

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

An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations

S.P. 314 L.D. 819
(H "A" H-401 to C "A"
S-187)

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

An Act to Increase the State Share of Education Funding

S.P. 169 L.D. 326
(C "A" S-209)

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

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

ENACTORS

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

Emergency

An Act to Clarify the Law Governing Prelitigation Screening Panels

S.P. 398 L.D. 1042

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 Change the Name of the State Capitol Commission to the State House and Capitol Park Commission and to Amend the Law Governing the Commission

S.P. 461 L.D. 1246
(C "A" S-198)

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 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 Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates

S.P. 487 L.D. 1329
(C "A" S-210)

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

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

ENACTORS

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

Emergency

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1989-90

H.P. 1112 L.D. 1545
(C "A" H-381)

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.

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

ENACTORS

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

An Act to Clarify the Authority of Personal Care Assistants under the Supervision of Persons in a Consumer-directed Services Program

H.P. 884 L.D. 1228
(C "A" H-394)

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

An Act to Create the Legislative Study Commission on Growth Management and Tax Policy

H.P. 184 L.D. 249
(C "A" H-382)

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

An Act to Appropriate Funds for Advocacy Activities for Severe and Prolonged Mentally Ill Persons

H.P. 616 L.D. 839
(C "A" H-390)

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

An Act to Make Investment Earnings on Commodity Taxes Consistent

S.P. 326 L.D. 863
(C "A" S-202)

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

An Act to Require the Licensure of Ambulatory Surgical Facilities

H.P. 891 L.D. 1235
(H "B" H-419 to C "A" H-289)

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

An Act Concerning Unemployment Benefits for Lockouts

H.P. 456 L.D. 621

(C "A" 353)

On motion by Senator WEBSTER of Franklin, Tabled until Later in Today's session, pending ENACTMENT.

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

ENACTORS

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

An Act to Facilitate the Establishment and Enforcement of Child Support and Health Insurance Obligations and to Clarify the Law Concerning the Modification of Child Support Orders

H.P. 953 L.D. 1321
(H "A" H-402 to C "A" H-385)

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
(C "A" S-203)

An Act to Fund the Maine State Retirement System for Certain Employees Previously Covered by the County Retirement System

H.P. 1062 L.D. 1484
(C "A" H-372)

An Act to Amend the Maine Tort Claims Act

H.P. 1083 L.D. 1505

An Act to Provide Flexibility in the Laws on Residential Placement of Young Adults

H.P. 1087 L.D. 1509
(C "A" H-392)

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
(C "A" S-204)

An Act Concerning School Social Workers

H.P. 1135 L.D. 1578

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 114 L.D. 151
(C "A" H-384)

In Senate, June 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384) AS AMENDED BY HOUSE AMENDMENT "A" (H-447), thereto in NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED and CONCURRED.

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

SECOND READERS

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

House As Amended

Bill "An Act to Prohibit the Establishment of Maximum Limit Reimbursement for Adjustments to the Prospective Rate for Nursing Staff Wages"

H.P. 154 L.D. 206
(C "A" H-436)

Bill "An Act to Amend Certain Provisions of the Marine Resources Laws"

H.P. 201 L.D. 281
(C "A" H-441)

Bill "An Act to Provide Complimentary Marine Resources Licenses to Certain Persons 75 Years of Age or Older"

H.P. 342 L.D. 461
(C "A" H-414)

Bill "An Act to Increase the Price Farmers Receive for Milk"

H.P. 443 L.D. 608
(H "B" H-435 to C "A" H-416)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Alcoholism Prevention, Education, Treatment and Research Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 563 L.D. 761
(C "A" H-413)

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

Bill "An Act to Enhance the Management of the Fish and Game Resources of the State of Maine"

H.P. 16 L.D. 8
(C "A" H-410)

Which was READ A SECOND TIME.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. As the Senator from Franklin County, I have watched this Bill with interest and I speak as that Senator.

This is L.D. 8, which undedicates the Fisheries and Wildlife Department. A position which I think is a mistake and for that reason I want to have a Division on this measure, so that I can vote against this.

It seems to me that it is a mistake to undedicate the Fisheries and Wildlife Department for the simple reason that in years to come it is going to be very difficult for this Legislature to justify spending fifty thousand dollars on stocking some pond some place when there are pressing needs, social needs, perhaps in some Department here in state government which provides for the handicap, the poor, or the elderly, or some other worthwhile purpose. I am concerned that once we undedicate this Department, if we do that, that it is going to be very difficult to justify management type decisions that are made within that Department, which might be spending money for long-term gain for the industry and the resource and might not make good sense when you are spending money on a program within the Department of Inland Fisheries and Wildlife. There may be some other need in state government that someone deems more appropriate. It is my feeling that we are making a mistake and I want to be on Record opposing this change.

Senator WEBSTER of Franklin requested a Division.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. For a long

time I was opposed to the undedication of Fisheries and Wildlife Department, but for another reason. That reason was that I was concerned that the sportsmen of Maine would lose a feeling of ownership within their own Department. I have had to set that aside, because I think there are more merits to this Bill than there are demerits to the Bill. Right now, the situation is that the Department has to live on basically a little bit of federal money and the hunting and fishing license fees. In order to make management decisions, let's say for example that the deer herd has just suffered a tremendously difficult winter and it has died off considerably. In order to preserve that deer herd, they would have to cut back on the hunting season and if they cut back on the hunting season, there would be fewer licenses sold and the Department, which is totally dependent upon those licenses, would be suffering. I think the advantages of undedicating are that you can make better management decisions with some general fund money in, because you won't have to totally rely on hunting and fishing licenses in the future. If your stock of pheasants, ducks, bear, deer, or anything, is down, you will now be more inclined and feel more comfortable with closing the season down, shortening the amount of the take, because there is going to be some money coming in from the general fund. It is not a pleasant thing, to lose money out of the general fund for Fisheries and Wildlife, but by the same token, it is the essence that makes Maine great; the deer, the bear, and the ducks that fly overhead, and all of those things. If we are to protect them, we must not use up that resource. To have it dedicated, causes us to use more than we ought to sometimes.

The Bill, it seems to me, is one of those things that is just necessary. The only drawback I see from the Bill is that I think that the Fisheries and Wildlife Committee will now be very much more reluctant to go up on fees than they used to be in the past. It will take an awful lot of convincing to go up a dollar or two, but that is a discussion that will be addressed another day in another Legislature. I think this is a healthy move, I didn't use to, but it has come to a crisis situation. If you go up substantially on your hunting and fishing licenses, fewer people will buy them, so they are very reluctant to do that. They don't want to go up very much, because they are afraid fewer and fewer people will buy hunting and fishing licenses. That we know to be true, because each time we have gone up in the past there has been some fall off.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Penobscot, has made some interesting points and I am sure he believes this will be a positive move for this Department. It is my feeling, and I served on the Fisheries and Wildlife Committee, for many years and I have had a long interest in this issue. I represent an area of the state that has a high number of sportsmen, perhaps as many in the state except for the Presiding Officer's district. We probably share the distinction of having more sportsmen in our districts than anywhere else in the state. I am concerned that even though there are good intentions behind this, that this won't do what has been stated. My feeling is that there ought to be general fund money. We have wardens that do a great service for this state and my feeling is that their total salaries ought to be reimbursed from the general fund. It seems to me that this industry

produces vast amounts of dollars for the general fund, because of the number of people who come here to hunt and fish, who live in camps in the woods in my district and in other areas of the state. It seems to me what we ought to be doing is taking dollars from the general fund and putting it into the Department and leaving that Department separate and distinct and not having to compete with other programs in state government. I wanted to bring this to the light of the Senate, I feel strongly about it, and whether I win or lose at least I will do what I think is right to try to preserve the Department to be the best off for the sportsmen and those of us who are concerned about this issue. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. In addition to the points that were so capably made by the Senator from Penobscot, Senator Pearson, the study group who worked on this for some two years, commissioned a Professor, Dr. Boyd, from the University of Maine to conduct a very good survey. Dr. Boyd is a very capable gentleman who has a nation-wide reputation of knowing how to conduct surveys and how to do them as accurately as possible. The spin off from our game animals is something tremendous. It amazed many of us that knew there was a spin off at just how large it was.

As has been pointed out, for many years the sportsmen, the hunters and the fishermen, have been paying to operate this Department to preserve things that make this state so attractive to us and to our visitors. The time has come when you cannot continue to increase the license fee. Just on a projection of a fifteen percent increase in license fees now, and roughly a million dollars that they first was tossing around of asking the general fund to help out with, the projections that a very capable gentleman, who works for the Fish and Game Department, had made that in two years to be asking for another increase in license or increase in the funds well beyond the million dollars. It is a serious thing, ladies and gentlemen. The profits for the other businesses in the State of Maine are there, they are making them, it is time that someone, besides the sportsmen, help to fund this Department. Before someone corrects me, yes, there has been money such as the search and rescue funds provided to help us, but I am sure many of you know that we probably overspent those funds a number of times over what was actually given from the general fund to the search and rescue. So, I ask your support in doing what two years ago I would not be standing here asking you to do. Please support this Bill.

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. Just one more quick point, perhaps will address one of the problems that concerns the Senator from Franklin, Senator Webster. That is the drop off of money in competition with other things that people want. The Department of Fisheries and Wildlife current receives from the federal government two funds. They are called Pitman Robinson, which is from the sales of arms and ammunition and Dingle Johnson money, which is from the sales of fishing equipment. There is a stipulation in those two funds that in order to get those two funds we must dedicate or at least appropriate as much money as licenses for hunting and fishing bring in. So, if we were to say, give them less money than hunting and fishing licenses take in in this state, we would lose federal funds. That is

not a likely situation. The situation, as I see it, is always going to be more than what licenses bring in.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED AS AMENDED, please rise in their places and remain standing until counted.

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

28 Senators having voted in the affirmative and 1 Senator having voted in the negative, the Bill was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act to Include Unorganized Territories as School Administrative Units"

H.P. 727 L.D. 1004

(C "A" H-424)

Bill "An Act to Recover Windfall Profits from Bottle Deposits"

H.P. 787 L.D. 1099

(C "A" H-438)

Bill "An Act Criminalizing the Unlawful Possession of Class Z Drugs"

H.P. 798 L.D. 1110

(C "A" H-415)

Bill "An Act to Provide Adjustments in the Educational Funding Formula"

H.P. 836 L.D. 1168

(C "A" H-437)

Bill "An Act to Adapt the Maine Milk Pool Law to Potential Changes in Milk Pricing"

H.P. 844 L.D. 1176

(C "A" H-440)

Bill "An Act to Create a New Crop and Livestock Research and Development Program"

H.P. 869 L.D. 1208

(C "A" H-442)

Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment"

H.P. 975 L.D. 1353

(C "A" H-446)

(See Action Later Today)

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Increase the Penalty for Illegal Netting of Atlantic Salmon"

H.P. 979 L.D. 1357

(C "A" H-425)

Bill "An Act to Amend the Law Concerning Taxing of Costs in Civil Actions"

H.P. 980 L.D. 1358

(C "A" H-427)

Bill "An Act to Amend the Real Estate Brokerage License Laws" (Emergency)

H.P. 1068 L.D. 1490

(C "A" H-421)

Bill "An Act to Protect the Identity of Juveniles Prior to Hearing or Bind Over to Superior Court"
H.P. 1158 L.D. 1612
(C "A" H-428)

Bill "An Act to Facilitate District Court Judicial Administration"
H.P. 1192 L.D. 1659
(C "A" H-426)

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

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

SECOND READERS

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

Senate

Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Vinalhaven (Emergency)

S.P. 601 L.D. 1678

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Promote Marine Research"

S.P. 106 L.D. 140

(C "A" S-240)

Bill "An Act Concerning the Construction of Portable Classrooms"

S.P. 412 L.D. 1078

(C "A" S-241)

Bill "An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases"

S.P. 532 L.D. 1467

(C "A" S-239)

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

Sent down for concurrence.

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

SECOND READERS

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

Senate As Amended

Resolve, that the Deadline for the Revision of the State's Motor Vehicle Laws be Extended (Emergency)

S.P. 569 L.D. 1597

(C "A" S-248)

Bill "An Act to Authorize the Blue Hill School Committee to Enter into Long-term Leases of Land and Buildings for School Purposes" (Emergency)

S.P. 591 L.D. 1668

(C "A" S-245)

Bill "An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas"

S.P. 600 L.D. 1677

(C "A" S-243)

Bill "An Act to Amend the Charter of the Canton Water District"

S.P. 609 L.D. 1703

(C "A" S-247)

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

S.P. 610 L.D. 1704

(C "A" S-246)

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

Sent down for concurrence.

Senator WEBSTER of Franklin, moved to RECONSIDER whereby it PASSED TO BE ENGROSSED AS AMENDED, in concurrence on:

Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment"
H.P. 975 L.D. 1353
(C "A" H-446)

(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(In House, June 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446).)

Senator CLARK of Cumberland requested a Division.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. This is a measure that I saw earlier this morning and was going to try to catch it before it came for a vote here today. If we don't have the vote to Reconsider it, we can always have a vote to Enact it. It is a Bill which I am opposed to, which is passing another tax on the people in my district. I am opposed to this Bill and would like to be on Record in opposition. If we can't reconsider at this time, we will have to vote when it comes up for Enactment. I would ask you to Reconsider this, so that those of us who oppose this measure could be on Record having voted so. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

A Division has been requested.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, FAILED.

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

SENATE PAPERS

Bill "An Act to Modernize the Capital Structure of Domestic Stock Insurers" (Emergency)

S.P. 648 L.D. 1743

Presented by Senator HOBBS of York

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator HOBBS of York, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, the Bill and Accompanying Papers COMMITTED to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act to Create the Maine Jail Industries Authority"

S.P. 647 L.D. 1742

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative ANTHONY of South Portland, Representative MELENDY of Rockland and Representative MAYO of Thomaston

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Joint Select Committee on CORRECTIONS suggested and ORDERED PRINTED.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act Regarding Confirmation of Nominees to the Adaptive Equipment Loan Program Board" (Emergency)

S.P. 650 L.D. 1745

Presented by President PRAY of Penobscot
Cosponsored by Speaker MARTIN of Eagle Lake, Senator WEBSTER of Franklin and Representative WEBSTER of Cape Elizabeth

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Senate at Ease

Senate called to order by the President.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act Concerning the Public Utilities Commission"

S.P. 649 L.D. 1744

Presented by Senator BOST of Penobscot
Cosponsored by Representative CLARK of Millinocket, Senator CARPENTER of York and Representative PARADIS of Old Town

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.

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

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 STATE AND LOCAL GOVERNMENT on Bill "An Act to Permit the Town of Windham to

Maintain and Repair Private Roads to Town Road Specifications"

H.P. 1045 L.D. 1456

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require the Permanent Recording of the Location of Stone Walls"

H.P. 1063 L.D. 1485

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Allowing Full-time Deputies to Hold Nonpartisan Office"

H.P. 1188 L.D. 1655

The Committee on TAXATION on Bill "An Act to Change the Premium on Alcoholic Beverages"

H.P. 686 L.D. 938

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

The Committee on HUMAN RESOURCES on Bill "An Act to Institute the Orderly Development of New Medical Technology and Services"

H.P. 951 L.D. 1319

The Committee on HUMAN RESOURCES on Bill "An Act to Establish a Program of Health, Education and Treatment for Persons Convicted of Drug and Sex-related Offenses"

H.P. 1190 L.D. 1657

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to Conflict of Interest and Financial Disclosure for Government Officials and Employees"

H.P. 222 L.D. 302

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Regarding the Composition of the Real Estate Commission"

H.P. 1156 L.D. 1610

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Laws Relating to Ethics in Government"

H.P. 1184 L.D. 1639

The Committee on TAXATION on Bill "An Act Relating to the Taxation of Aircraft"

H.P. 345 L.D. 464

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

H.P. 371 L.D. 502

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

ORDERS

Joint Resolution

On motion by Senator BRAUN of Knox (Cosponsored by: Senator CLARK of Cumberland, Representative MACBRIDE of Presque Isle, Representative KETOVER of Portland) the following Joint Resolution:

S.P. 646

JOINT RESOLUTION RECOGNIZING AND COMMENDING THE MAINE DIVISION OF THE AMERICAN CANCER SOCIETY ON THE OCCASION OF ITS 50TH ANNIVERSARY

WHEREAS, the Maine Division of the American Cancer Society has a stated mission dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives from cancer and diminishing suffering from cancer through research, education and service; and

WHEREAS, the Maine Division of the American Cancer Society has faithfully carried out this mission through its programs of education to the public on improved lifestyles for the prevention of cancer, support of cancer research in Maine and direct service to cancer patients; and

WHEREAS, the Maine Division of the American Cancer Society is celebrating 50 years of distinguished service; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in First Regular Session, take this opportunity to express our appreciation for the humane work of the Maine Division of the American Cancer Society and to commemorate the Maine Division of the American Cancer Society on its 50th anniversary; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be transmitted forthwith by the Secretary of State to Donald Magioncalda, M.D., President of the Maine Division of the American Cancer Society.

Which was READ and ADOPTED.
Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator GILL for the Committee on EDUCATION on Bill "An Act to Promote Greater Equity in the Loans of the Maine Educational Loan Authority"

S.P. 119 L.D. 185

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 WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Provide for the Evaluation of State International Trade Programs with Respect to Effectiveness and the Ability to Address International Economic Forces

S.P. 49 L.D. 22

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Promote Maine's Participation in the Global Economy and to Enhance the Department of Economic and Community Development"

S.P. 468 L.D. 1265

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (Emergency)

S.P. 486 L.D. 1328

(C "A" S-232)

In Senate, June 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-232).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-232) AS AMENDED BY HOUSE AMENDMENT "A" (H-468) thereto, AND HOUSE AMENDMENT "A" (H-472) in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Amend the Banking Code"

S.P. 635 L.D. 1726

Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

In Senate, June 7, 1989, PASSED TO BE ENGROSSED, without reference to a Committee.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-477) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Limit Municipalities' Responsibility to Reopen an Abandoned Road"

H.P. 1138 L.D. 1581

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act Concerning Potato Varieties"

H.P. 586 L.D. 790

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-449).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-449) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services"

H.P. 1032 L.D. 1438

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-391).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391) AS AMENDED BY HOUSE AMENDMENT "A" (H-473) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-391) READ.

House Amendment "A" (H-473) to Committee Amendment "A" (H-391) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-391) as Amended by House Amendment "A" (H-473) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Clarify the Responsibilities of School Boards" (Emergency)

H.P. 385 L.D. 516

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-457).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-457) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Resolve, to Establish the Commission to Study Real Estate Appraiser Certification and Licensing

H.P. 1069 L.D. 1491

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-465).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-465) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

H.P. 935 L.D. 1300

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-464).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-464) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Promote Landowner Relations"

H.P. 1057 L.D. 1479

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-452).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-452) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act Relating to the Status of Nursing Professions in

Maine"

H.P. 956 L.D. 1324

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-453).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453) AS AMENDED BY HOUSE AMENDMENT "A" (H-475) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-453) READ.

House Amendment "A" (H-475) to Committee Amendment "A" (H-453) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-453) as Amended by House Amendment "A" (H-475) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act Making It Illegal to Possess Lobsters Caught Illegally"

H.P. 693 L.D. 945

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-458).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-458) READ.

Senator BRANNIGAN of Cumberland, moved the INDEFINITE POSTPONEMENT of Committee Amendment "A" (H-458).

On further motion by same Senator, Tabled 1 Legislative Day, pending the motion of the same Senator to INDEFINITELY POSTPONE Committee Amendment "A" (H-458).

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

The Committee on TRANSPORTATION on Bill "An Act Regarding the Handicap Parking Privilege to Veterans with Disabled Veterans License Plates"

H.P. 1161 L.D. 1615

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-469).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-469) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act Creating the St. Francis Water District"

H.P. 1200 L.D. 1667

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-456).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-456) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Increase the Borrowing Authority of the Ogunquit Sewer District"

H.P. 1209 L.D. 1681

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-455).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-455) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Create the Quantabacook Water District" (Emergency)

H.P. 1227 L.D. 1706

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-454).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-454).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-454) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities"

H.P. 827 L.D. 1159

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-443).

Signed:

Senators:

ESTES of York
BOST of Penobscot
GILL of Cumberland

Representatives:

SMALL of Bath
KILKELLY of Wiscasset
NORTON of Winthrop
PARADIS of Frenchville
CROWLEY of Stockton Springs
O'GARA of Westbrook
AULT of Wayne

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-444).

Signed:

Representatives:

O'DEA of Orono

HANDY of Lewiston
OLIVER of Portland

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-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-471) thereto.

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes"

H.P. 1012 L.D. 1410

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-461).

Signed:

Senators:

GAUVREAU of Androscoggin
TITCOMB of Cumberland
RANDALL of Washington

Representatives:

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

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

Signed:

Representative:

ROLDE of York

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-461) AS AMENDED BY HOUSE AMENDMENT "A" (H-474) thereto.

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-461) READ.

House Amendment "A" (H-474) to Committee Amendment "A" (H-461) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-461) as Amended by House Amendment "A" (H-474) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Increase the Motor Vehicle Inspection Fees"

H.P. 49 L.D. 70

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-470).

Signed:

Senators:

TWITCHELL of Oxford
GOULD of Waldo

Representatives:

HICHBORN of LaGrange
MACOMBER of South Portland
MCPHERSON of Eliot
MARTIN of Van Buren
HALE of Sanford
MOHOLLAND of Princeton
MILLS of Bethel

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

Signed:

Senator:

THERIAULT of Aroostook

Representatives:

STROUT of Corinth
HUSSEY of Milo
BAILEY of Farmington

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-470).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-470) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE PAPERS

Bill "An Act to Preserve the Integrity of the Land for Maine's Future Program"

S.P. 651 L.D. 1746

Presented by Senator TITCOMB of Cumberland
Cosponsored by Representative LORD of Waterboro
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.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

Bill "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers"

H.P. 106 L.D. 143

(H "A" H-344 to C "A" H-292)

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 2, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY HOUSE AMENDMENT "A" (H-344) thereto, in concurrence.)

(In House, June 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY HOUSE AMENDMENT "B" (H-466) thereto, in NON-CONCURRENCE.)

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

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

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

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

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161).)

(In House, June 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161) AS AMENDED BY HOUSE AMENDMENT "B" (H-451) thereto, in NON-CONCURRENCE.)

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

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

HOUSE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding of Legal Services for the Elderly"

H.P. 888 L.D. 1232

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-411)

Minority - Ought Not to Pass

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 9, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411).)

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

The Bill READ ONCE.

Committee Amendment "A" (H-411) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Commission on State Finance" (Emergency)

H.P. 1113 L.D. 1546

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-423)

Minority - Ought Not to Pass

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 9, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423).)

Senator PEARSON of Penobscot, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

Senator WEBSTER of Franklin requested a Division.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

A vote of Yes will be in favor to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator RANDALL of Washington who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator HOLLOWAY of Lincoln who would have voted NAY.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YFAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, PERKINS, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

PAIRED: Senators HOLLOWAY, RANDALL

20 having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, and 2 Senators having paired their votes, the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-423) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act to Strengthen Maine's Restaurant Smoking Law"

H.P. 966 L.D. 1344

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-409)

Minority - Ought Not to Pass

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 9, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409).)

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

The Bill READ ONCE.

Committee Amendment "A" (H-409) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Allow Recovery for Wrongful Death of Unborn Children"

H.P. 408 L.D. 551

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-429)

Minority - Ought Not to Pass

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 9, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429).)

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 Later Today Assigned matter:

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Reduce the Potential for Violence During Labor Disputes"

H.P. 292 L.D. 404

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-417)

Minority - Ought Not to Pass

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 9, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417).)

Senator ESTY of Cumberland, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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. This is not the first time that this issue has come before the Legislature in Maine. Again, it is one more Bill that is a spin off from the major labor strife that existed about a couple of years ago in the State of Maine. My concern is, as the signer of the Minority Ought Not to Pass Report, is that labor issues are covered by federal legislation. The reason it is covered by federal legislation is so that each state does not have a hodge podge or a mix and match of legislation concerning labor issues.

My main objection to this piece of legislation is the potential of the federal preemption, where it provides strike employers the legal right to hire replacement workers. The commerce and supremacy clause of the U.S. Constitution enforced the right by prohibiting states from enacting laws that infringe upon it. This is where I feel that this Bill goes astray. The second concern I have is the broad scope of the Bill, because the Bill seeks to prevent potential violence, this Bill would not enable a court to adjoint an employer whose replacement hirings have not contributed to approximately cause the violence in the community.

It is just saying up front that because you are in this action, that you are automatically guilty. I think that the strife that we went through and the people in Jay and prior to that the people in Rumford had gone through is very severe. I think many of the actions were uncalled for on both sides, but I don't believe that this piece of legislation is going to

solve the problem. In fact, it does go overboard, as I earlier made reference to, in stepping upon federal preemption. I would urge that you vote against the pending motion.

Senator WHITMORE of Androscoggin requested a Division.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. If you believe that during a labor dispute, companies should be able to contract with outside firms regarding strike breaking activities and hiring of replacement workers that often end open discussions of differences and encourage tremendous anger and potential violence, then vote no and support the Minority Report.

However, if you believe that interference from outside firms should be limited, if they have a negative history of involvement in labor disputes, and you support continuing good faith negotiations between parties, vote yes on this Bill and support the Majority Report. This Bill will reduce violence during labor disputes. I would also add that this was one of the Bills that there was a pure difference of philosophy within the Committee. We did not fight bitterly over it, it was a difference of opinion and you can see the difference in philosophies. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

A Division has been requested.

Will all those Senators in favor of the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-417) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act Regarding the Review of the Workers' Compensation Denials"

H.P. 919 L.D. 1285

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-439)

Minority - Ought Not to Pass

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 9, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439).)

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

The Bill READ ONCE.

Committee Amendment "A" (H-439) READ and ADOPTED, in concurrence.

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

Off Record Remarks

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

An Act Concerning Unemployment Benefits for Lockouts

H.P. 456 L.D. 621

(C "A" 353)

Tabled - June 12, 1989, by Senator WEBSTER of Franklin.

Pending - ENACTMENT

(In Senate, June 8, 1989, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(In House, June 12, 1989, PASSED TO BE ENACTED.)

Senator WEBSTER of Franklin requested a Division.

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

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I asked to have this Bill set aside because I represent an area of the state that feels very strongly about these issues. As a matter of fact, during the labor dispute in Jay last year, I had more people accost me because of the fact that people who were on strike received unemployment compensation, something the people in my area did not feel was appropriate. As a matter of fact, several years ago when I served in the other Body, we had a Bill which would allow unemployment compensation to strikers and I opposed it, as I have always opposed it. Unfortunately, this Legislature, in its wisdom, compromised on this matter and gave under certain circumstances there would be a chance for people to get unemployment. The people in my area feel very strongly that the unemployment fund shouldn't be a tool for negotiation between labor and management. It shouldn't be a tool that if things don't go the way you want, you can always go on unemployment, whether it is through a lockout or through a strike. For those reasons, I oppose this Bill. I believe that you are asking small businessmen out there, and let's not forget that is who pays into this fund, and in turn you might as well say that you are asking employees, because they are the ones that are indirectly paying this fund. You are asking them to get involved in a labor dispute. That is something that I don't think is appropriate and something that the people in my area feel very strongly about. I would ask you to vote against this.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. Before we vote on this, I don't want anybody to get the wrong impression that by voting the way the Senator from Franklin, Senator Webster, is suggesting, that we are protecting the employees of the State of Maine. This Bill is the Bill that would protect the employees of the State of Maine from unfair lockouts. If we are really seriously concerned about helping people, than let's make sure that the employer just can't lock his doors to an employee who may go to work one morning and find that the doors are locked, has to go home, and has no money at all to raise his family. That is

exactly what is happening with the lockouts. There is no question about that.

It is really strange how on the one hand you can say that you can't support a strikebreaker Bill, which allows the employer to replace those workers who are on strike, which is a labor dispute, but on the other hand you say it is okay that if the employee can't go to unemployment and collect money while he is out there being locked out by the employer. Somehow there just doesn't seem to be a balance there. I think all of us here try to do what is right and what is fair. This particular piece of legislation, just amazes me how it can go down to defeat time after time. The unemployment compensation clearly was created for those people who want to work, who have the ability to work, where there is work available, can get unemployment if for some reason they are laid off. A lockout is nothing more than a lay off. To me, an employer could use a lockout, or the term lockout, anytime he has to get rid of some employees because of a difficult period of economy in his business. I am not talking about small employers, we are talking about labor disputes, you are usually talking about large employers. As a matter of fact, if you are talking about small employers that scares me even more that they could use this anytime they wanted to let two or three people go because of a change in seasons or for whatever reason. Again, the unemployment insurance fund was created to help those people who want to work. People who were locked out and want to work. There was mentioned last week about the unemployment crisis in 1983. I remember that, I was on the Commission and I was chairman of that Commission that came up with the recommendation that this Legislature accepted putting the fund back on its feet. We all know what is going on, we know the purpose of the fund, we know why businesses have to contribute. Don't forget the ultimate reason for that fund is to help those people in times when they are out of work. A lockout means that these people are out of work.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the good comments from the Senator from York, Senator Dutremble, but the fact of the matter is that the unemployment fund is a fund that is made up of a lot of small and large employers. It is there to protect people when they are laid off from work and it is a fund to make sure that they do have some assistance. The problem with tying this to the lockout or the labor situation that many small employers have nothing to do with, is to penalize them for the actions of another employer. I think anytime you try to do that with this particular fund, or any fund like that, you damage the reputation and the responsibility that fund has to everybody. So, in voting against enactment of this is not to give fair treatment to those that are locked out, but it is to uphold the fund that has had a troubled past and has been in debt to the federal government and is now solvent. It is not to be solvent in the very near future if there are down turns to the economy and it should be there for all the people, small and large. Thank you.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I was not here during the 1983 concern with the unemployment compensation fund, but I did want to say that in the Labor Committee we discussed the issue of the fund

and the small amount of money that we were potentially concerned about regarding the fund, but the most important concern regarding the fund was the fact that with unemployment issues the amount that an employer pays is based on the experience that they have in causing unemployment. So, in fact, in these kinds of situations which we are talking about, the employers who have greater unemployment, who cause greater unemployment because of lockouts, will have a higher experience rating. That does not mean, and I don't want to mislead you into saying that every single penny of the costs will be borne by that employer, but the fact is that costs are based on the experiences that they cause. It is not spread evenly amongst all the people. Thank you.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCII, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, PERKINS, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senator HOLLOWAY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the Bill 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 Later Today Assigned matter:

HOUSE REPORTS - from the Committee on EDUCATION on Bill "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities"

H.P. 827 L.D. 1159

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-443)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-444)

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 12, 1989, Reports READ.)

(In House, June 12, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-471) thereto.)

On motion by Senator ESTY of Cumberland, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-443) READ.

House Amendment "A" (H-471) to Committee Amendment "A" (H-443) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-443) as Amended by House Amendment "A" (H-471) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORT - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Natural Resources Protection Act"

H.P. 813 L.D. 1125

REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-399).

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

Pending - ACCEPTANCE OF REPORT

(In Senate, June 9, 1989, Report READ.)

(In House, June 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399).)

Senator PEARSON of Penobscot, moved to TABLE for 1 Legislative Day.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending ACCEPTANCE OF THE REPORT.

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

An Act to Implement Civil Penalties for Passing Worthless Instruments

S.P. 251 L.D. 641

(C "A" S-172)

Tabled - June 9, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 1, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172).)

(In House, June 8, 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 to Increase the Penalties for Repeat Violations of the Prostitution Laws

H.P. 757 L.D. 1061

(C "A" H-338)

Tabled - June 9, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338), in concurrence.)

(In House, June 8, 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 to Prohibit the Sale of Unlawful Drugs in or near Schools

H.P. 816 L.D. 1144

(C "A" H-342)

Tabled - June 9, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342), in concurrence.)

(In House, June 8, 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 to Provide for the Forfeiture of Firearms Used to Commit Crimes

H.P. 820 L.D. 1148

(C "A" H-337)

Tabled - June 9, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337), in concurrence.)

(In House, June 8, 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 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)

Tabled - June 9, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336), in concurrence.)

(In House, June 8, 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:

Emergency
An Act to Allow the Creation of the Megunticook Watershed District

H.P. 1205 L.D. 1675

(C "A" H-348)

Tabled - June 9, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 6, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348), in concurrence.)

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

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the 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.

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 9, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT
(In Senate, June 8, 1989, Reports READ.)

Senator BERUBE of Androscoggin, moved to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

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. It is with an extreme degree of reluctance that I rise in opposition to the motion of my good colleague and friend from Androscoggin, Senator Berube. The issue before the Senate pertains to the Maine Children's Trust Fund. The legislation before the Body, if Accepted, would impose some rather severe restrictions on the Maine Children's Trust Fund restricting the amount of funds which can be used to spend or defray administrative expenses. My understanding is that the legislation before you would, if Accepted, require the Maine Children's Trust Fund to allocate no more than fifteen percent of the revenues that it derives toward administrative expenses. The Senate should be aware that there is other legislation which has been introduced into this Legislative Session, legislation which, in fact, has been reported out of the Joint Standing Committee on Human Resources. Although I can't speak directly about that legislation, which is now not before the Body. I can indicate that the legislation which will be forthcoming in a few days does address the issues which Senator Berube of Androscoggin has raised in L.D. 800. I think the legislation which the Human Resources Committee has reported out would deal completely with issues of administrative accountability which the Senator from Androscoggin, Senator Berube, has addressed in L.D. 800. It is for these reasons that I must rise today in opposition to the current motion and I would therefore respectfully request that the Senate vote against the pending motion so that it can go on to Accept the Majority Ought Not to Pass Report. Thank you.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

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

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 9, 1989, by Senator WEBSTER of Franklin.

Pending - Motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE Bill and Accompanying Papers (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.)

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. This was an unanimous Report out of the Committee on Legal Affairs and I would request someone to explain the reasoning for Indefinite Postponement.

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

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Sagadahoc, Senator Cahill, is quite correct. This Bill originally was an unanimous Committee Report out of the Legal Affairs Committee. The only answer I can give is that sometimes as we know in this process in the Legislature we get information later on which changes our outlook on legislation. That has happened here with this Bill to increase the fees for the Fire Marshal's Office. There has to be a good substantial reason, ladies and gentlemen, for members of this Body and this Legislature to increase fees and to raise taxes and to do those kinds of things. I have always tried, as I know all of us in this Chamber, to be very responsible, to get all the information. I am concerned that we didn't have all the information when this Bill was presented to us and the biggest telling item for me, and I respect all of you in this Body no matter how you come down on this issue, was the information that I have in front of me that shows that the Fire Marshal's Office carried forward a surplus of nearly eight hundred thousand dollars. We are faced with some real budgetary tough decisions to make before we adjourn. Hopefully, it will be next week. This Legislature has been saying time and time again, we want the facts, we want the financial figures. If we don't have them, then it is the people back home who suffer.

If we had the information about this surplus, ladies and gentlemen, I can assure you that members of my Committee would have voted differently. It didn't happen, but in clear conscience, ladies and gentlemen, I am here to represent the folks back home, the people who pay their taxes, the people who work for a living, the people who want accountability and accessibility in government. I have to vote against this Bill. With all due respect, the good things that happen from the Fire Marshal's Office in protecting our citizens are all well and good and we applaud those efforts. We need those kinds of things, but each of us has to account to the taxpayers back home, to the people who pay the bills, to the people who pay the license fees and the tax bills. I have real concerns that an eight hundred thousand dollar surplus is just a little bit more than squirrelling a couple of bucks away into the drawer. That is a lot of money and it is because of that reason, and I apologize to all of the members of this Body for not getting that information sooner, but that is sometimes the way it goes. I think that we have to do the responsible thing and there is no need for this Bill. Thank you.

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. It doesn't really make a great deal of difference what you do with this Bill, because I know where it is going. I think we should have the facts before us. The facts are that the Fire Marshal's budget is a million to 1.3 million dollars. Over the weekend, since it was Tabled, I asked him to send me a letter and tell me why this amount of money was in his budget. I also want to say that when we had the meeting of the Committee, and it was a unanimous vote, we voted on one thing only. Were the fees that he was charging antiquated or not? They definitely were, they haven't been increased for a number of years. What happens if you have a construction building or a new warehouse or a theater, as I had once, I had to go to the Marshal's Office, he charges fifty dollars to review those plans, which is ridiculous. If you build a house today, they want to

charge you two or three hundred dollars just to review the plans. So, I thought it was a reasonable thing and I voted for it. The thing that bothers me the most is that here we are, a majority vote, this should have been recommitted to the Committee so the Committee could have reviewed this information.

I am going to read to you what he said to me over the weekend. "We prepared a budget for the upcoming biennium last October and at that time several considerations and several unknowns were addressed. One of the unknowns concern whether or not the Fire Marshal's Office would be requested to again fund fire service training for one hundred and seventy-five thousand dollars, as we did in fiscal year 1988. The second unknown was the amount of anticipated growth, if any, in the insurance premium tax." You see, they get their money from the insurance premium tax, they don't get anything from the general fund. "Our primary consideration was to avoid getting caught in a premium tax shortfall, which has occurred twice to us in the not too past distance. I was advised by my financial people to attempt to broaden my income base by readjusting fee schedules which haven't been raised in most instances for a number of years. We intended with these fee schedules to pay for such activities as plan review for construction permits, amusement ride inspections, along with theaters, dance halls, and above ground tanks, fireworks and explosives. We anticipated our proposed fee increase would generate approximately one hundred and twenty-three thousand dollars, as reflected in the fiscal note attached by Senator Matthews. I believe I pointed out to the Committee the labor contract with my investigators requires that after the accumulation of three hundred overtime hours, I have to either pay them or give them compensating time. Because of the number of fires occurring this past year, it has been nearly impossible to let them take compensating time off. In addition, to provide weekend coverage my investigators on weekend duty are automatically credited with ten additional hours for being available for the weekend period. Our overtime costs this year will be in excess of forty-seven thousand dollars. In the early 1980's, when interest rates were high, insurance companies were investing premium dollars for a higher rate of return and secured these premium dollars through vigorous competitive marketing of their insurance. As the insurance rates lowered, together with their premium dollars, the premium tax also declined substantially and at one point I was advised that we would be unable to make the payroll and had to distribute pink lay off slips to everyone in the Fire Marshal's Office. We overcame this problem, with a temporary eighty thousand dollar loan from the Appropriations Committee and Legislative approval for a premium tax increase. My financial people tell me that it is only prudent management to have a six month operating reserve. In the event of a substantial turn down on the premium tax revenue, I will again once come before you and the insurance industry to request an increase in the premium tax. I am reluctant to do this and would rather assure this needed funding through the use of increase user fees, rather than a premium rate increase for all fire insurance consumers. My Director of Finance Administration advised I had seven hundred and sixteen thousand, four hundred and forty dollars and seventy-six cents in my account balances as of June 9, 1989 and protect year end account balance of eight hundred and twenty-six thousand, one hundred and seventy-eight dollars for the current budget year. The account balance projected for 1990, is seven hundred and

fifty-six thousand for the year 1991. It is six hundred and eighty-five thousand, six hundred and forty-one dollars. They further advised these years ending account balances figures are usually those for current services, but no consideration for salary increases and no increase in the medical insurance programs. Their final assessment the Fire Marshal's Office can survive the next biennium if current income remains stable and personal services and operation of costs remain consistent with the average increase of the last few years. However, at the end fiscal year 1991, the account balance will be some over three hundred thousand dollars, which will operate the Fire Marshal's Office for a bit of over three months. I hope this may be of help and I certainly appreciate what you are doing."

I might add that he has eleven investigators, two sergeants, six inspectors, another sergeant, two fire protection people, an assistant deputy fire marshal, and seven clerical help. I just think that we should have reviewed this. I am sorry we didn't have this information, but I think the Committee should have taken it back and reviewed the information. It is entirely up to you what you want to do with it. Thank you.

Senator CAHILL of Sagadahoc moved that the Bill and Accompanying Papers be RECOMMITTED to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.

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. I don't have a real problem with Recommitting the Bill to the Legal Affairs, but I think given the fund balance for the Department and noticing that it probably spends about one hundred thousand dollars a month and has a fund balance of probably eight hundred and twenty-six thousand dollars, that there would be probably enough time, if it were necessary to have this issue addressed, to introduce a Bill later on and have the Committee deal with it. I just think that right now there is really no need for this to come back to the Committee.

Senator CLARK of Cumberland requested a Division.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. We have six days left this session, six days left. We are very close to the deadline.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CAHILL of Sagadahoc, to RECOMMIT the Bill and Accompanying Papers to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.

Will all those Senators in favor of the motion of Senator CAHILL of Sagadahoc, to RECOMMIT the Bill and Accompanying Papers to the Committee on LEGAL AFFAIRS, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator CAHILL of Sagadahoc, to RECOMMIT the Bill and Accompanying Papers to the Committee on LEGAL AFFAIRS, FAILED.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Authorize Mortgagees to Require Property Insurance Provided by Insurers Which Meet Standards Established by Federal Mortgage Loan Corporations" (Emergency)

H.P. 1248 L.D. 1741

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.

Resolve. Concerning the Dam on Mattawankeag Lake

H.P. 1247 L.D. 1740

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities"

H.P. 1249 L.D. 1747

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

On motion by Senator WEBSTER of Franklin, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act Regarding Special Seasonal Agency Liquor Stores"

H.P. 1246 L.D. 1739

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

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Procedure for Approval of the Lincoln County Budget"

H.P. 1250 L.D. 1748

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

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

COMMITTEE REPORTS
House
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:

The Committee on TAXATION on Bill "An Act Relating to Uniform Taxation of Certain Woods Equipment"

H.P. 875 L.D. 1218

Ought to Pass As Amended

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

H.P. 1217 L.D. 1689

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-476).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-476) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS
House

Ought to Pass As Amended

The Committee on EDUCATION on Resolve, Creating the Special Commission to Study Instructional Time in Schools (Emergency)

H.P. 131 L.D. 175

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-479).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-479) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Continue Recodification of the Railroad Laws"

H.P. 1073 L.D. 1495

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-478).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-478) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Natural Resources Protection Act"

H.P. 813 L.D. 1125

REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-399).

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, June 9, 1989, Report READ.)

(In House, June 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399).

Which Report was 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.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE:
An Act to Provide a Secure Treatment Facility at the Maine Youth Center

S.P. 90 L.D. 95

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 5, 1989, PASSED TO BE ENGROSSED.)

(In House, June 9, 1989, PASSED TO BE ENACTED.)

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

Senator PEARSON: Thank you Mr. President. This Bill was inadvertently put on the Special Appropriations Table today, it needs a fiscal note attached to it.

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

On motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Tuesday, June 13, 1989, at 8:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
82nd Legislative Day
Tuesday, June 13, 1989

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

Prayer by Reverend Calvin O. Dame, All Souls Church Unitarian Universalist, Augusta.

The Journal of Monday, June 12, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 646)

JOINT RESOLUTION RECOGNIZING AND COMMENDING

THE MAINE DIVISION OF THE AMERICAN CANCER SOCIETY ON THE OCCASION OF ITS 50TH ANNIVERSARY

WHEREAS, the Maine Division of the American Cancer Society has a stated mission dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives from cancer and diminishing suffering from cancer through research, education and service; and

WHEREAS, the Maine Division of the American Cancer Society has faithfully carried out this mission through its programs of education to the public on improved life-styles for the prevention of cancer, support of cancer research in Maine and direct service to cancer patients; and

WHEREAS, the Maine Division of the American Cancer Society is celebrating 50 years of distinguished service; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in First Regular Session, take this opportunity to express our appreciation for the humane work of the Maine Division of the American Cancer Society and to commemorate the Maine Division of the American Cancer Society on its 50th anniversary; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be transmitted forthwith by the Secretary of State to Donald Magioncalda, M.D., President of the Maine Division of the American Cancer Society.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Promote Greater Equity in the Loans of the Maine Educational Loan Authority" (S.P. 119) (L.D. 185)

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

Unanimous Leave to Withdraw

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Resolve, to Provide for the Evaluation of State International Trade Programs with Respect to Effectiveness and the Ability to Address International Economic Forces (S.P. 49) (L.D. 22)

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Bill "An Act to Promote Maine's Participation in the Global Economy and to Enhance the Department of Economic and Community Development" (S.P. 468) (L.D. 1265)

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