

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**  
June 15, 1989 to July 1, 1989  
Index

The same Representative offered House Amendment "A" (H-553) to Committee Amendment "A" (H-485) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Ketover of Portland, Adjourned until Friday, June 16, 1989, at nine o'clock in the morning.

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

In Senate Chamber  
Thursday  
June 15, 1989

Senate called to Order by the President.

Prayer by the Honorable Barbara A. Gill of Cumberland.  
SENATOR GILL: A wise man of the orient once remarked: "There are three kinds of people and all types of organizations. Rowboat people, sailboat people, and steamboat people. Rowboat people need to be pushed or shoved along. Sailboat people move when a favorable wind is blowing. Steamboat people move continuously through calm or storm, they usually are masters of themselves, their surroundings, and their fate."

Today let us pray. As we proceed through these last few days, O Lord, we need Your wisdom and Your spirit instilled in all of us, as we proceed in our individual roles serving the needs of who we serve in running this ship of state. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Require Liquor Sellers' Permits"  
S.P. 151 L.D. 271  
(C "A" S-265)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265).

In House, June 14, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

In Senate, June 14, 1989, INSISTED.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

On motion by Senator CLARK of Cumberland, the Senate INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE.

The Chair appointed as conferees on the part of the Senate:

Senator MATTHEWS of Kennebec  
Senator BALDACCI of Penobscot  
Senator DILLENBACK of Cumberland

Non-concurrent Matter

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)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AND HOUSE AMENDMENT "A" (H-418), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AND HOUSE AMENDMENTS "A" (H-418) AND "B" (H-532) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Ensure Notification and Participation by the Public in Licensing and Relicensing of Hydroelectric Dams and to Further Ensure the Equal Consideration of Fisheries and Recreational Uses in Licensing and Relicensing"

H.P. 1167 L.D. 1621  
(C "A" H-497)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497) AS AMENDED BY HOUSE AMENDMENT "A" (H-515) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS

Joint Resolution

On motion by Senator CLARK of Cumberland (Cosponsored by: Representative GWADOSKY of Fairfield, Senator DILLENBACK of Cumberland, Senator PERKINS of Hancock) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 654

JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO URGE THE RETENTION OF SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS  
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 President of the United States and the Members of the United States Congress, as follows:

WHEREAS, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

WHEREAS, the availability of small issue industrial development bonds is critical to Maine's economic development providing expansion, diversification of the manufacturing sector, and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity, and quality critical to the long-term stability of the State's manufacturing base; and

WHEREAS, in the past 5 years, small issue industrial development bonds have resulted in investments of approximately \$300,000,000 in Maine and the retention or creation of over 29,000 Maine jobs and have enhanced the tax base of municipalities throughout the State; and

WHEREAS, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that legislation be enacted forthwith which will eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and

to the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation.

Which was READ.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate, I would draw your attention, this morning, to the Joint Resolution before us, which may not be fully apparent on its surface. This is a Joint Resolution memorializing Congress and the President of the United States to urge the retention of small issue industrial development bonds. There is more at stake here than preserving the tax exempt status of small issue industrial development bonds or S.I.I.B.'s, to aid the start up of new industry and facilitate the expansion of Maine's economic base, even though this is a definite consideration at the time when we are being informed and told that our economy may be stabilizing and even flattening out. What makes it doubly important is that we are entering a new competitive environment, as well as a new era, of open trade relations with our closest ally and friend to the north, Canada. Please make no mistake about my position on that famous trade agreement signed by these two great countries last year. While I wholeheartedly support it, at the same time, I am deeply concerned that our Maine firms may not be placed in a particularly favorable position. I would submit that the playing field, as they say in the locker room, isn't exactly even. Particularly, since Maine is a border state and will be on the front lines under these new rules of international commerce.

As many members of this Maine Senate are aware, industry and particularly export trade businesses, enjoy a high level of government support in Canada, directly and indirectly. An example of direct support of Canada's tax break for small businesses is, of course, their subsidized health care costs. Under this policy, the federal tax rates on active earned income for eligible corporations is reduced from thirty-six percent to twelve percent for up to a total tax reduction of two hundred thousand dollars a year. There is also an exemption from capital gain taxes for up to five hundred thousand dollars a year invested in qualifying small businesses. In addition, are the hidden subsidies, one I have already mentioned, which is the Canadian National Insurance Program, which does save Canadian businesses hundreds of thousands of dollars a year in providing health care benefits for their employees. Against this array of subsidy, support, and competitive advantages, we need, in this country, to give our firms a fighting chance in any way we can, but instead we find that we are about to reduce the few programs that are available. One of them being the tax exempt small issue industrial development bond. The tax exempt status of S.I.I.B.'s is scheduled to expire at the end of this year, unless we and other states are able to convince our federal Congress to extend the program. That is exactly what this Resolution is intended to do, at least to urge the Congress to do.

In the last five years, this bond program has generated capital investment of approximately three hundred million dollars in Maine, resulting in the creation or retention of more than twenty-nine thousand jobs. Clearly, it represents a critical weapon in Maine's economic development strategy. It now assumes even greater importance in this new trade environment in which Maine firms must compete. Therefore, I would urge your support for Passage of this Resolution and commend those who have come

together in an effort to initiate and carry forth a successful campaign. Initiate a campaign, here in Maine, enlist the aid of our sister states across the nation, and finally urge the federal Congress if they won't eliminate the expiration date and sunset date, to at least extend it. I extend my gratitude to those members of this Body, who have joined as partners in that effort. Thank you Mr. President.

Which was ADOPTED.  
Sent down for concurrence.

COMMITTEE REPORTS  
House

Ought Not to Pass

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

The Committee on TRANSPORTATION on Bill "An Act Concerning Reduction of Speed Limits in Inclement Weather" (Emergency)

H.P. 1253 L.D. 1752

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Consumer Credit Code to Add Provisions Relating to Credit and Charge Card Disclosures"

H.P. 1002 L.D. 1391

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-526).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-526) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Protect Children from Illegal Tobacco Sales"

H.P. 970 L.D. 1348

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-518).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-518) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

(See Action Later Today)

The Committee on EDUCATION on Bill "An Act to Provide a Minimum Level of State Educational Funding for Schools"

H.P. 1033 L.D. 1439

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-517).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-517) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on EDUCATION on Bill "An Act to Facilitate Collaboration Among School Agencies and Community Leaders Working on Behalf of At-risk Children"

H.P. 1164 L.D. 1618

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-519).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-519) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection"

H.P. 988 L.D. 1366

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-529).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-529) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Subdivision Laws"

H.P. 1174 L.D. 1628

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-521).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-521) READ.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I wanted to call your attention to this item. Numerous people throughout the state have become alarmed because of an Attorney General's opinion on the current subdivision law, which had been changed a year or so ago during the development of the growth management law. The interpretation of the current law has been that a subdivision exists when twenty acres or more including a portion of the parcel which was not to be developed. In other words, it included more than

that which was to be developed. We, on the Committee, decided that this definitely needed to be corrected, so we have put forth an Emergency Bill, which would also be retroactive for those developments which are under development now. If you have further questions about this, please see me, I will point out to you that the Amendment is H-521. I felt the need to rise, because I have had inquiries from many members of the House and Senate on this matter.

Committee Amendment "A" (H-521) ADOPTED, in concurrence.

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

The Committee on MARINE RESOURCES on Bill "An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue"

H.P. 670 L.D. 918

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-531).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-531) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on MARINE RESOURCES on Bill "An Act Concerning Atlantic Salmon"

H.P. 993 L.D. 1382

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-520).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-520) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on MARINE RESOURCES on Resolve, to Create a Commission to Study Crab Fishing in Maine

H.P. 1034 L.D. 1440

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-530).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-530) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on TAXATION on Bill "An Act to Prohibit Local Assessors from Using the Phantom House Lot Method of Valuation"

H.P. 368 L.D. 499

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-528).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-528) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on TAXATION on Bill "An Act to Increase the Property Tax Exemption for Veterans"

H.P. 713 L.D. 974

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-534).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-534) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

On motion by Senator BUSTIN of Kennebec, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED AS AMENDED:

Bill "An Act to Protect Children from Illegal Tobacco Sales"

H.P. 970 L.D. 1348

(In Senate, June 15, 1989, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(In House, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518).)

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

Senator BUSTIN: Thank you Mr. President. I would ask somebody to Table this for later in today's session, as the Chair of that Committee is not here and I would like to have an explanation of this Bill. Thank you.

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

The Committee on TRANSPORTATION on Resolve, to Establish as a Demonstration Project Recreational Vehicle Dumping Stations

H.P. 1095 L.D. 1528

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-522).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-522) READ and ADOPTED, in concurrence.

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

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

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

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

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

After Recess

Senate called to order by the President.

Divided Report

The Majority of the Committee on EDUCATION on Resolve, to Establish Statewide Secondary School Competency Examinations

H.P. 957 L.D. 1335

Reported that the same Ought Not to Pass.

Signed:

Senators:

ESTES of York  
BOST of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-524).

Signed:

Senator:

GILL of Cumberland

Representatives:

SMALL of Bath  
AULT of Wayne

(Representative KILKELLY of Wiscasset Abstained)

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

Which Reports were READ.

On motion by Senator ESTES of York, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Require a Permit to Hunt for Bear Prior to the Firearm Season on Deer"

H.P. 116 L.D. 153

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-525).

Signed:

Senators:

ERWIN of Oxford  
GOULD of Waldo

Representatives:

JACQUES of Waterville  
SMITH of Island Falls  
DUFFY of Bangor  
WALKER of Norway  
ROTONDI of Athens  
GREENLAW of Standish  
FARREN of Cherryfield  
CARROLL of Southwest Harbor

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

Signed:

Representative:

CLARK of Millinocket

(Representative TRACY of Rome Abstained)

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-525).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-525) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Ought to Pass

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act Relating to Public Fish Piers, Airports and Other Transportation Facilities" (Emergency)

S.P. 652 L.D. 1749

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED.

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

Ought to Pass As Amended

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act Concerning Law Enforcement Training"

S.P. 431 L.D. 1142

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-286) READ and ADOPTED. Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Establish an Advisory Committee on Home Health"

S.P. 580 L.D. 1642

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-287).

Signed:

Senators:

GAUVREAU of Androscoggin  
TITCOMB of Cumberland  
RANDALL of Washington

Representatives:

MANNING of Portland  
ROLDE of York  
BOUTILIER of Lewiston  
BURKE of Vassalboro  
PEDERSON of Bangor  
DELLERT of Gardiner  
PENDLETON of Scarborough

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

Signed:

Representatives:

CLARK of Brunswick  
HEPBURN of Skowhegan  
CATHCART of Orono

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-287) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

ENACTORS

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

An Act to Grant the Power of Equitable Jurisdiction to the Maine District Court

H.P. 167 L.D. 232  
(C "A" H-508)

An Act Concerning Agents Selling Hunting and Fishing Licenses

H.P. 181 L.D. 246  
(C "A" H-483)

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

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

An Act Concerning Potato Varieties

H.P. 586 L.D. 790  
(C "A" H-449)

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

H.P. 757 L.D. 1061  
(S "A" S-259 to C "A" H-338)

An Act Concerning the Construction of Portable Classrooms

S.P. 412 L.D. 1078  
(C "A" S-241)

An Act to Amend the Natural Resources Protection Act

H.P. 813 L.D. 1125  
(C "A" H-399)

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

H.P. 816 L.D. 1144  
(S "A" S-257 to C "A" H-342)

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  
(H "A" H-473 to C "A" H-391)

An Act to Provide Additional Protection in Cases of Domestic Abuse

S.P. 553 L.D. 1556  
(C "A" S-254)

An Act to Limit Municipalities' Responsibility to Reopen an Abandoned Road

H.P. 1138 L.D. 1581

An Act Regarding the Handicap Parking Privilege to Veterans with Disabled Veterans License Plates

H.P. 1161 L.D. 1615  
(C "A" H-469)

An Act Providing Confidentiality for Public Sector Job Applicants

S.P. 486 L.D. 1328

(H "A" H-468 to C "A" S-232; H "A" H-472)

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

S.P. 591 L.D. 1668  
(C "A" S-245)

An Act to Increase the Borrowing Authority of the Ogunquit Sewer District

H.P. 1209 L.D. 1681  
(C "A" H-455)

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

S.P. 610 L.D. 1704  
(C "A" S-246)

An Act to Permit a 7-day Recall to Work Period

H.P. 1254 L.D. 1753

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

Senate at Ease

Senate called to order by the President.

An Act to Improve Compliance with Truck Weight Limits

H.P. 36 L.D. 36  
(S "B" S-242 & H "A" H-420 to C "A" H-277)

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

An Act to Amend the Community Corrections Law

S.P. 277 L.D. 723  
(C "A" S-255)

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

An Act Concerning Educational Enhancement

H.P. 762 L.D. 1066  
(C "A" H-501)

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

An Act Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities

H.P. 827 L.D. 1159  
(H "A" H-471 to C "A" H-443)

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

An Act to Increase Funding of Legal Services for the Elderly

H.P. 888 L.D. 1232  
(C "A" H-411)

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

An Act Relating to the Status of Nursing Professions in Maine



H.P. 956 L.D. 1324  
(H "A" H-475 to C "A"  
H-453)

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

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  
(H "A" H-474 to C "A"  
H-461)

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

An Act to Amend the Overboard Discharge Laws  
H.P. 855 L.D. 1187  
(C "A" H-502)

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I simply wanted to call your attention to this Bill before we finally Enact it. It is, "An Act to Amend the Overboard Discharge Laws". In the earlier part of the session, you may recall, that there was a great deal of discussion about overboard discharge problems, in that many people along the coast felt that they were actually being chased out of their homes by the state, because after a certain period of time they would not be allowed to continue to use their system for waste water treatment. Along the coast there is a special problem in that residences are built on bedrock, directly, so that you cannot use the usual beneath the soil waste water treatment system that are used throughout the state. It causes a problem in that there are some sort of discharge, whether clear unpolluted water or not, into the marine area. Understandably, the federal government has required that any shellfish harvesting area where there is any type of a discharge must be closed. There is some leeway, here in the State of Maine, by our three departments that have contact with this problem and with how large an area of shellfish harvesting should be closed. But, regardless, if there is any discharge at all, that area must be closed. We learned a lot about this topic and came to the conclusion that as long as you have to close an area around a discharge that you might prefer focusing any such discharge into municipal waste water treatment facilities and just have a single discharge area for a large portion of the coast.

With that in mind, we tried to provide and create a reasonable balance, helping Maine people remain in their homes and yet understanding that in the long run we want to be able to use and harvest all of our shellfish areas if at all possible. In so doing, since so many of you have constituencies along the coast and have worked hard on this problem, and I would like to cite Senator Holloway, of Lincoln, Senator Clark, of Cumberland, Senator Dutremble, of York, Senator Estes, of York, and others among you, who understand the seriousness of this problem and have spent a great deal of time and effort trying to resolve it. What the Committee came up with in this Bill, which has been reported out unanimously, is first of all trying to offer some substantial financial contribution to changing their existing chlorinated systems. One would be for somebody with a primary residence, it could be up to ninety

percent, fifty percent for a commercial facility and twenty-five percent for a seasonal resident. By the way, a separate bond issue will hopefully go out and would help finance this. Second, we will focus any such grants to eliminate the sources of contamination into the shellfish harvesting areas. Third, we will be requiring an inspections of any overboard discharges twice a year and charging one hundred dollars each for those inspections, which could be contracted out by the state. Although that sounds expensive, certainly for those who wish to remain in their residence it is a small expense when you consider the alternative. Finally, there will be some relicensing of overboard discharges allowed in homes or commercial establishments. But, for seasonal residents, they will probably be required to have holding tanks. In areas where there is municipal waste water treatment system available, they also may be required to have some association with that. So, we can limit the number of discharges along the coast. Those are some of the primary elements of this major Bill. We also will be requiring more interdepartmental coordination between the three departments; Human Resources, Marine Resources, and the Department of Environmental Protection. We will be looking at developing group systems for more waste water treatment and we will look at the ability of the sanitary and sewer districts to assist in the elimination of overboard discharges in waters of the state. I felt the need to set that aside, since there have been so many questions from so many constituents. Senator Erwin, of Oxford, and Senator Ludwig, of Aroostook, and I, have received more than just a few hundred letters on this topic. It is closer to the thousand level. So, we know, personally, that many of your constituents are interested in this topic and we hope you are satisfied with this legislation and we will certainly try to help you and them and the State of Maine further on this issue.

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

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. I rise today to personally thank Senator Kany and the Energy and Natural Resources Committee for the grueling work sessions that they have held on this topic. The issue is certainly extremely complicated and it was controversial.

The citizens of the Maine coast should be very pleased by the diligent attention that has been given to them by this Committee in their pursuit of a reasonable solution to a very real and threatening problem that they had. I thank you.

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 Strengthen Maine's Restaurant Smoking Law

H.P. 966 L.D. 1344  
(C "A" H-409)

On motion by Senator BALDACCI of Penobscot, the Senate SUSPENDED THE RULES.

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

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

The same Senator further moved to RECONSIDER ADOPTION of Committee Amendment "A" (H-409).

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I would oppose the pending motion and I would inquire of the good Senator from Penobscot, Senator Baldacci, the purpose of which he seeks Reconsideration of the Committee Amendment under question.

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I explained to the good Senator from Androscoggin, Senator Gauvreau, earlier, the amendment that I was attempting to offer. For further information to the members of this Body, this Amendment S-273 only requires that the Department of Human Services shall consider the results of any survey that has been taken by the Department during a two year period, prior to the enactment of this section, pertaining to the experience encountered by restaurants in providing smoking and nonsmoking sections. In the event that no survey exists, the Department shall conduct a survey of twenty percent of the restaurants located in the state, comprising a representative sample of the types and sizes of restaurants found in the state, to determine the experience encountered by those restaurants in providing smoking and nonsmoking sections, and they shall consider the results of the survey in promulgating the rule. The results of the survey utilized by the Department and rule-making, shall be reported to the Joint Standing Committee having jurisdiction over human resources matters by January 1, 1991.

All it does is say that the Department is going to go ahead and do this and that it conduct a survey and have it report back to the Committee. It doesn't stop the promulgation of rules. That is the Amendment.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the explanation of the proffered Amendment by my good colleague from Penobscot, Senator Baldacci. The Joint Standing Committee on Human Resources has, of course, presented for the consideration of the Legislature, L.D. 1344, which is, as has been commonly styled, 'the no smoking in restaurants Bill'. As you may recall, the issue, which seems to be becoming an annual issue in these halls, was considered at length in the preceding Legislature. At that time, the Legislature adopted legislation which requires that each restaurant in our state have a policy on smoking which is reasonably calculated to address the needs of the nonsmoking public. I must take responsibility for those particular words, 'reasonably calculated to address the needs of the nonsmoking public'. Some people, in the year since we have adopted the legislation in question, have concerns regarding a specific definition of what the policy would be which was reasonably calculated to address the needs of the nonsmoking public. The Human Resources Committee had intentionally crafted a fairly general standard in recognition of the frank differences which exist amongst the various restaurants in our state. We thought this, and we still believe, is a very difficult and perhaps poor public policy to crystallize into statute a specific formula, i.e. whether there should be forty-five percent or seventy percent or whatever, of seats that are in a particular restaurant devoted to either the smoking or nonsmoking public. The Committee this

year has crafted L.D. 1344, which would charge the Department of Human Services with regulation of specific standards relating to what is reasonably calculated to address the needs of the nonsmoking public. I would mention that last year we did significantly increase the licensing staff of restaurants in our state. The Human Resources Committee suggests that as part of the annual or biannual licensure of restaurants that the inspectors make certain that the restaurants do, in fact, have a reasonable no smoking policy and that does, in fact, address the needs of its patrons.

I did have occasion to review, before the Human Resources Committee, the legislation under consideration and the Amendment which I believe the Senator from Penobscot, Senator Baldacci, would propose, were he granted the opportunity to further Reconsider this measure. I can indicate to the Senate that the Human Resources Committee does not believe the language would be at all helpful.

In fact, the Committee believes the Department of Human Services currently has the ability to consider any studies or surveys they have conducted in the last year or two in promulgating a standard. We certainly recognize that during the rule-making process, everyone who has an interest in this matter should be allowed to come forward, restaurateurs, patrons, people involved in the public health considerations, all these parties should have an opportunity to compete equally in the administrative process. We don't see any particular value in circumscribing the authority of the Department of Human Services in promulgating rules which would give greater definition or clarity to the term, 'reasonably calculated to address the needs of the nonsmoking public'. Because we do not believe that the offered language is at all helpful to the Department and, in fact, it might even cause some problems to this measure, because it is conceivable that if this language were added it might add a fiscal note to the Bill. We felt that the proposed language ought not to be accepted. Therefore, I stand today urging the Body to reject Senator Baldacci's request for Reconsideration. Thank you.

Senator MATTHEWS of Kennebec 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. Each morning I get a list from the Finance office of those things that cost money. This Bill does not cost money, as it presently exists. What I would like to know is if this Amendment is attached to it, does it then become a Bill that costs money and would have to go to the Appropriations Committee at that point?

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I am in the restaurant business and I have proposed an Amendment that deals with a Bill that is going to handle a smoking law within the restaurant business. I do not have a problem with the Department of Human Services. We have a pretty good smoking policy, they said so themselves. I do not have a problem. I don't appreciate the implication of being in the restaurant business and proposing this type of an Amendment.

Senator BALDACCI of Penobscot requested and received Leave of the Senate to withdraw his motion

to RECONSIDER whereby Committee Amendment "A" (H-409) was ADOPTED.

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. With respect to the question posited by my colleague from Penobscot, Senator Pearson, as to whether or not the Amendment which was under consideration until recently, would, in fact, carry with it a fiscal note or a consequence. In my review of the Amendment, it is uncertain. I indicate that for the following reason: The Amendment, which is now not to be offered, would have required the Department of Human Services to conduct a particular survey, if one had not been done in the preceding two years. It is a potential future cost, but I am not certain whether there would have been a cost involved.

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

Senator WEBSTER of Franklin requested a Division.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. Today we have one Senator, the Senator from Penobscot, Senator Baldacci, offering an Amendment for consideration to the members of this Body. We have another member, the Chair of the Committee on Human Resources, the Senator from Androscoggin, Senator Gauvreau, who receives the Amendment gracefully suggesting that it is an Amendment which might endanger the entire Bill and so he must resist it, as we all would at this stage in the legislative process. We have a Senator from Penobscot, Senator Pearson, who, following through responsibly as he consistently does, reminds us of the every present potential of a fiscal note and, thus, the scenario is set. As a result of the exchange between these fine Senators of Maine, an Amendment (S-273) is withdrawn for fear of jeopardizing the entire Bill. If one ever so briefly even reviews this Amendment, one could see that if we didn't operate in such an artificially structured environment, that any good department could conduct this survey and should do so, if it were responsible, without ever having to request additional personnel or additional money. I only stand at this moment for I think that this represents an ever so reasonable request and I also stand in support of ultimate Enactment of the measure, and express to you the frustration that all Legislators experience. If we have one idea regardless of administration, state bureaucracy always puts a price tag to it. Ever so seldom is the occasion when the welcome words are we can do it and absorb the cost. I submit to you that the whole basic scenario really cramps our style, as Legislators. I just once would welcome the opportunity where we could freely exchange ideas and concepts without having the fear that no matter how minuscule our request, no matter how reasonable is the idea, that the threat of a few pennies or dollars would dampen our opportunity to do so. I guess it is that time in the Session. Thank you.

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 and as a Senator who has consistently had concern about passing laws that were unnecessary and realizing that I may not win today, I just would like to ask the members of this Chamber that before you vote on this Bill, that it seems to me that I probably frequent a restaurant as often as

many people here. I have yet to go to a restaurant in the last few years that didn't have some kind of smoking or nonsmoking area. When I walk into the restaurant I am asked whether I want to sit in a smoking area or nonsmoking area. I think that the current law works and I really wonder if I want state employees out there, in the Department of Human Services, going out and questioning every restaurateur, as to whether they have the appropriate nonsmoking or smoking requirements under law. It seems to me that this Bill is probably unnecessary and at least from where I come from I would like to not support this unnecessary, in my opinion, legislation. So, I would ask you to stand with me when the Division is taken and oppose this measure. Thank you.

Off Record Remarks

Senator BALDACCII of Penobscot, requested and received Leave of the Senate to Abstain from Voting, due to a conflict of interest.

Senate at Ease

Senate called to order by the President.

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

Resolve

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

(C "A" H-464)

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

Emergency

An Act to Clarify the Responsibilities of School Boards

H.P. 385 L.D. 516

(C "A" H-457)

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

Emergency

An Act to Establish State Guidelines for Child Support Awards

H.P. 706 L.D. 967

(H "A" H-499 to C "A" H-349)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE

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

Emergency

An Act to Promote Landowner Relations  
H.P. 1057 L.D. 1479  
(C "A" H-452)

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

Emergency

An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases  
S.P. 532 L.D. 1467  
(C "A" S-239)

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

Emergency

An Act to Clarify the Maine Municipal Bond Bank's and the Maine Public Utility Financing Bank's Ability to Hold, Own and Sell Real and Personal Property  
H.P. 1097 L.D. 1530

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

Emergency

An Act to Ensure the Continuity of Mental Health Services  
H.P. 1211 L.D. 1683  
(C "A" H-494)

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

Emergency Resolve

Resolve, Creating the Special Commission to Study Instructional Time in Schools  
H.P. 131 L.D. 175  
(C "A" H-479)

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

Emergency Resolve

Resolve, to Assess the Needs of the Equine Industry and to Establish a Commission to Study the Creation of a Statewide Horse Council  
H.P. 878 L.D. 1221  
(C "A" H-506)

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

Emergency Resolve

Resolve, to Establish the Commission to Study Real Estate Appraiser Certification and Licensing  
H.P. 1069 L.D. 1491  
(C "A" H-465)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, that the Deadline for the Revision of the State's Motor Vehicle Laws be Extended  
S.P. 569 L.D. 1597  
(C "A" S-248)

On motion by Senator TWITCHELL of Oxford, placed on the SPECIAL HIGHWAY TABLE, pending FINAL PASSAGE.

Emergency Resolve

Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Vinalhaven  
S.P. 601 L.D. 1678

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

Emergency Resolve

Resolve, Reimbursing Certain Municipalities for Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law  
S.P. 624 L.D. 1721

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

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$21,000,000 to Match Available Federal Funds for Highway, State and Local Bridges, Harbor and Airport Improvements  
H.P. 1223 L.D. 1695  
(C "A" H-493)

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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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 Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County"

H.P. 1258 L.D. 1755

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.

ORDERS OF THE DAY

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

An Act to Establish the Mental Health Advisory Committee on Medicaid

S.P. 467 L.D. 1252  
(H "A" H-434 to C "A"  
S-184)

Tabled - June 14, 1989, by Senator GAUVREAU of Androscoggin.

Pending - ENACTMENT

(In Senate, June 9, 1989, RECEDED and CONCURRED TO PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-434) thereto.)

(In House, June 14, 1989, PASSED TO BE ENACTED.)

On motion by Senator GAUVREAU of Androscoggin, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-184) as Amended by House Amendment "A" (H-434) thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-434) to Committee Amendment "A" (S-184).

On further motion by same Senator, House Amendment "A" (H-434) to Committee Amendment "A" (S-184) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-288) to Committee Amendment "A" (S-184) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. This is truly a technical Amendment clarifying the statement of fact on the Bill, which is this Bill has no fiscal consequence whatsoever. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-288) to Committee Amendment "A" (S-184) ADOPTED.

Committee Amendment "A" (S-184) as Amended by Senate Amendment "B" (S-288) thereto, ADOPTED in NON-CONCURRENCE.

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

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

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, 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:

SECOND READERS

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

House As Amended

Resolve, to Establish as a Demonstration Project Recreational Vehicle Dumping Stations

H.P. 1095 L.D. 1528

(C "A" H-522)

Bill "An Act to Clarify the Subdivision Laws"

H.P. 1174 L.D. 1628

(C "A" H-521)

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Promote Marine Research"

S.P. 106 L.D. 140

(C "A" S-240)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240) AND HOUSE AMENDMENT "A" (H-536) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Off Record Remarks

Non-concurrent Matter

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

S.P. 609 L.D. 1703

(C "A" S-247)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247) AS AMENDED BY HOUSE AMENDMENT "A" (H-542) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404) AS AMENDED BY HOUSE AMENDMENT "A" (H-535) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Creating the St. Francis Water District"

H.P. 1200 L.D. 1667  
(C "A" H-456)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456) AS AMENDED BY HOUSE AMENDMENT "A" (H-538) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Regarding the Review of the Workers' Compensation Denials"

H.P. 919 L.D. 1285  
(C "A" H-439)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439) AS AMENDED BY HOUSE AMENDMENT "A" (H-540) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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  
(C "A" H-476)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) AS AMENDED BY HOUSE AMENDMENT "A" (H-539) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce"

H.P. 438 L.D. 603

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-481).

Signed:

Senators:

ANDREWS of Cumberland  
BALDACCI of Penobscot  
EMERSON of Penobscot

Representatives:

CASHMAN of Old Town  
DUFFY of Bangor  
TARDY of Palmyra  
SEAVEY of Kennebunkport  
DIPIETRO of South Portland  
JACKSON of Harrison

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

Signed:

Representatives:

WHITCOMB of Waldo  
DORE of Auburn  
NADEAU of Saco  
SWAZEY of Bucksport

Comes from the House Bill and Accompanying Papers RECOMMITTED to the Committee on TAXATION.

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was READ and ACCEPTED.

Senate at Ease

Senate called to order by the President.

The Bill READ ONCE.

The Bill and Accompanying Papers RECOMMITTED to the Committee on TAXATION, 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 Amend the Laws Relating to Small Claims  
H.P. 1007 L.D. 1405  
(C "A" H-396)

An Act to Continue Recodification of the Railroad Laws

H.P. 1073 L.D. 1495  
(C "A" H-478)

An Act to Clarify the Liability of Relatives for Support

H.P. 1196 L.D. 1663  
(C "A" H-495)

An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation

H.P. 1214 L.D. 1686  
(C "A" H-486)

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:

ENACTORS

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

Emergency

An Act Relating to Sales Tax Exemptions and Revenues

H.P. 975 L.D. 1353  
(C "A" H-446)

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ENACTMENT. (Roll Call Ordered)

Emergency

An Act to Create the Quantabacook Water District  
H.P. 1227 L.D. 1706  
(C "A" H-454)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Joint Resolutions

The Following Joint Resolution: H.P. 1257  
JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND THE  
PRESIDENT OF THE UNITED STATES TO CLEARLY EXPRESS  
OUR NATION'S SUPPORT FOR THE CHINESE STUDENTS  
WHO RISK ALL IN THE CAUSE OF DEMOCRACY

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 President and the Congress of the United States as follows:

WHEREAS, We are shocked and grieved by the events which have taken place since June 4, 1989, in Beijing, China; and

WHEREAS, Our beliefs are rooted in the democratic traditions of the right of dissent, the right of redress of grievances and the right of peaceful assembly; and

WHEREAS, the people of China have attempted to peacefully present their earnest desire for a democratic society; and

WHEREAS, the response of the Chinese Government has been one of wanton disregard for human life; now, therefore, be it

RESOLVED: that We, your Memorialists, respectfully recommend and urge the Congress and the President of the United States to respond with a strong, clear message of support for democracy, freedom and respect for human life; and be it further

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

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1256  
JOINT RESOLUTION COMMEMORATING THE 200TH  
ANNIVERSARY OF WASHINGTON COUNTY

WHEREAS, the most easterly county in these United States, Maine's Washington County, is the home of crystalline lakes, granite mountains, great expanses of beautiful forest and a spectacular and craggy "bold coast"; and

WHEREAS, this proud region has been home to generations of hardy citizens who have made a resourceful living by carefully stewarding their limited material resources while industriously

harvesting and utilizing the abundant bounty of the county's fields, forests, rivers and seacoast; and

WHEREAS, the "Sunrise County, USA" has historic significance, as it was originally a part of York County, was then part of Lincoln County and was separately set off and incorporated by the General Court of the Commonwealth of Massachusetts on June 25, 1789, and as the first naval battle of the Revolutionary War was fought off Machias on June 11, 1775; and

WHEREAS, the rugged beauty of this region, from Quoddy Head Light, to Cobscook Bay, to Deblois' blueberry barrens, to Cutler's majestic fiord-like bays, to Grand Lake Stream has been preserved for the enjoyment of visitors from throughout this State and around the world; and

WHEREAS, down east Maine, and the people who inhabit it, have captured our nation's imagination, and epitomize the self-reliance and independence of all Mainers; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Bicentennial Anniversary of Washington County, to commend the inhabitants and officials of this county for the success which they have achieved together for two centuries, and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

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

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Amend the Laws Relating to Truants, Dropouts and Alternative Programs"

S.P. 121 L.D. 187

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-290).

(Representative OLIVER of Portland Abstains.)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-290) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

Senator BOST for the Committee on EDUCATION on Bill "An Act to Amend and Improve the Laws Relating to Education"

S.P. 481 L.D. 1302

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-292).

(Representative NORTON of Winthrop Abstains.)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-292) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (Emergency)

S.P. 469 L.D. 1266

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-289).

Which Report was READ.

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

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development

S.P. 607 L.D. 1701

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-294).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-294) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims"

S.P. 318 L.D. 855

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-295).

Signed:

Senators:

ESTY of Cumberland  
MATTHEWS of Kennebec

Representatives:

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

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

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

REED of Falmouth  
BUTLAND of Cumberland  
MCCORMICK of Rockport

Which Reports were READ.

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator WHITMORE for the Committee on LABOR on Bill "An Act to Clarify the Definition of Seasonal Workers under the Workers' Compensation Law"

S.P. 550 L.D. 1521

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-293).

Which Report was READ.

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

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify Negotiability of Recruitment and Retention Adjustments" (Emergency)

S.P. 589 L.D. 1651

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-291).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-291) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Simplify Reporting Requirements for Workers' Compensation Insurers and Self-insurers"

S.P. 396 L.D. 1040

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-298).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-298) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

Senator BOST for the Committee on EDUCATION on Bill "An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay"

S.P. 509 L.D. 1397

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-299).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-299) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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



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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BRAUN for the Committee on MARINE RESOURCES on Bill "An Act to Improve the Sardine Inspection and Grading Programs"

S.P. 562 L.D. 1565

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-297).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-297) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Committee of Conference

The Committee of Conference on the disagreeing action between 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

Have had the same under consideration and ask leave to report that they are unable to agree.

Signed on the part of the Senate:

Senator BERUBE of Androscoggin

Senator ESTY of Cumberland

Senator CARPENTER of York

Signed on the part of the House:

Representative GWADOSKY of Fairfield

Representative MAHANY of Easton

Representative WENTWORTH of Wells

Which Report was READ and REJECTED.

The Senate ASKED FOR A SECOND COMMITTEE OF CONFERENCE.

The Chair appointed as conferees on the part of the Senate.

Senator PRAY of Penobscot

Senator DUTREMBLE of York

Senator CAHILL of Sagadahoc

Sent down for concurrence.

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

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act To Protect Maine Businesses against Workers' Compensation Insurer Rate Gouging"

S.P. 590 L.D. 1652

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-302).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-302) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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:

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

(H "A" H-474 to C "A"

H-461)

Tabled - June 15, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461) AS AMENDED BY HOUSE AMENDMENT "A" (H-474) thereto, in concurrence.)

(In House, June 14, 1989, PASSED TO BE ENACTED.)

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-461).

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-474) to Committee Amendment "A" (H-461).

On further motion by same Senator, House Amendment "A" (H-474) to Committee Amendment "A" (H-461) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-301) to Committee Amendment "A" (H-461) READ and ADOPTED.

Committee Amendment "A" (H-461) as Amended by Senate Amendment "A" (S-301) thereto, ADOPTED in NON-CONCURRENCE.

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

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

Senate at Ease

Senate called to order by the President.

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

Emergency Resolve

Resolve, Reimbursing Certain Municipalities for Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law

S.P. 624 L.D. 1721

Tabled - June 15, 1989, by Senator CLARK of Cumberland.

Pending - FINAL PASSAGE

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED.)

(In House, June 14, 1989, FINALLY PASSED.)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

On motion by Senator HOBBS of York, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Senator EMERSON for the Committee on TAXATION on Bill "An Act to Amend the Law Relating to Automobile Leases"

S.P. 238 L.D. 568

Ought to Pass As Amended

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-303).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-303) READ and ADOPTED.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Office of Substance Abuse Services within the Executive Department"

S.P. 563 L.D. 1566

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-306).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-306) READ and ADOPTED.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Divided Report

Seven Members on the Committee on MARINE RESOURCES on Bill "An Act to Amend the Nonresident Clam Digging Laws"

H.P. 620 L.D. 843

Reported in Report A that the same Ought Not to Pass.

Signed:

Representatives:

MITCHELL of Freeport

CONSTANTINE of Bar Harbor

HUTCHINS of Penobscot

LOOK of Jonesboro

HOLT of Bath

SKOGLUND of St. George

COLES of Harpswell

Five Members of the Same Committee on the same subject reported in Report B that the same Ought to Pass.

Signed:

Senators:

BRANNIGAN of Cumberland

ESTES of York

BRAWN of Knox

Representatives:

TOWNSEND of Eastport

RUHLIN of Brewer

One Member of the Same Committee on the same subject reported in Report C that the same Ought to Pass as Amended by Committee Amendment "A" (H-523).

Signed:

Representative:

MARSH of West Gardiner

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

Which Reports were READ.

Senator BRANNIGAN of Cumberland, moved to ACCEPT Report B OUGHT TO PASS Report.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. Speaking as the individual Senator from Senate District 26, which includes three coastal towns in Cumberland County, Brunswick, Freeport, and Yarmouth, I rise this early evening to oppose the pending motion to Accept the Ought to Pass Report B from the Joint Standing Committee on Marine Resources. There is a bit of legislative history attached to this measure and that legislative history has a genesis in the waning days of the 113th Legislature, when in the Appropriations Act was inserted a line which forbade local communities from issuing clam licenses with the lottery system. At that time, only the town of Brunswick was so doing.

Concern was expressed, but rather than jeopardize the entire Appropriations Bill, the issue was addressed in one of the subsequent Special Sessions of the 113th Legislature. A measure was introduced by me and cosponsored by other coastal representatives in our area of mid-coast Maine and we were successful in repealing that section of the law which had only recently, at that time, passed. I knew that the issue would not go away and, indeed, it hasn't. While I commend the hard work of the Joint Standing Committee on Marine Resources, I cannot accept, if I am to indeed represent my constituency, the Report B of the Committee. L.D. 843, as Amended, provides that municipalities will issue clam licenses the same way to residents as they issue them to nonresidents. I am getting the message that perhaps my understanding of the issue is in error.

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

Senator BRANNIGAN: Thank you Mr. President. Mr.

President, men and women of the Senate. If the Senate Accepts my motion, I will then offer an Amendment for the Senate's approval and that is the Amendment that the Senator from Cumberland, Senator Clark, was referring to. There is no Amendment before the Senate, at this time, on my motion.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I extend my gratitude again to the good Senator from Cumberland, Senator Brannigan, who chairs the Committee on Marine Resources. The Amendment to which I was referring is H-527 and that is no more acceptable to the three towns in my Senate district, than the Bill in its original form as Amended by House Amendment "A" H-523. The fact of the matter is, as you synthesize this issue down, is that the state is mandating how municipalities along the coast of Maine are going to issue their clam licenses for residents and nonresidents. The Bill mandates that clam licenses will be issued on a first-come first-serve basis period. As Amended in Report C, H-523, it would replace the original Bill and establish a procedure for distribution of nonresident commercial shellfish licenses. If we Accept the Ought to Pass Report, Report B, under filing number H-527, we are going to completely replace everything else in the original Bill and rather than mandating that municipalities issue their clam digging licenses on a first-come first-serve basis, we simply are going to require that the procedure that a municipality chooses for issuing licenses be the same for residents as well as nonresidents. The fact of the matter remains, it is none of the state's business. The issue is one of local control. If my three municipalities, on the coast of the State of Maine, wish to issue their state sanctioned clam shell harvesting licenses on a lottery basis, or on a first-come first-serve basis, or on a pin the tail on the donkey basis, it is the responsibility of the local municipal officers, their clam conservation commission, and the other legislative bodies of that municipality. It just so happens that one municipality in Senate District 26 issues its nonresident licenses on a lottery system and it works well for that municipality, the town of Brunswick. It just so happens that the town of Freeport currently issues its nonresident licenses, which are limited to ten percent of all nonresident licenses issued in that municipality, on a first-come first-serve basis. That municipality is considering issuing them on a lottery basis. Why, you might ask? Because we have clam harvesters who reside in the municipal parking lot, which the television media finds most newsworthy, for as long as almost two weeks, parked right out there in the municipal parking lot so that their place in line on a first-come first-serve basis will be preserved.

I understand the deliberations which have occurred within the Joint Standing Committee on Marine Resources. I understand that there are those who represent other municipalities who have professional clam diggers, by that I mean clam harvesters who earn their livelihood through digging clams, who wish that there was some uniformity up and down the coast, with reference to the issuing of nonresident licenses. I acknowledge that there is merit in that perspective.

What I don't acknowledge is that the focus of this issue is mainly in our area of mid-coast Maine. Why? I hope you are asking. Because it is our area of mid-coast Maine that has moved responsibly and comprehensively into the shellfish conservation management program. We have the richest flats in the

whole area of mid-coast Maine. It is because those nonresident licenses are so coveted by the full time clam diggers that they would seek redress through this Legislature, which is their exercise and rightly theirs and that this Legislature, by the Minority Report of the Committee would mandate to the municipalities in my Senate District how they are going to issue not only nonresident clam licenses, but if the opportunity is to be provided, resident clam licenses. Frankly, it is simply not fair. Thank you Mr. President.

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Off Record Remarks

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I am not involved in the history of this issue, as I have become Chair of Marine Resources during this session. We have weighed this issue with deliberation during this session of the Legislature. The issue does deal with the way that nonresident clam licenses are distributed. The state is involved deeply in all clamming issues in municipalities. The state law says that a certain percentage of licenses will go to nonresidents. The state recognizes, and the state is us, that there are people who wish to make a living digging clams, who live in places that have none. Therefore, they make seek licenses in those places that have clams. The issue is, how those licenses to be distributed. It seemed to me, and to the other members of this Body that are on Marine Resources, that is not fair for someone's livelihood to be on a lottery system, which may or may not happen for you in a given year. So, I chose to sign on this multiple Report, and the multiple Report shows you that we tried to struggle with this issue to find a middle ground and the amended Report was an effort to find a middle ground. There will be an Amendment that I will offer for another middle ground with this to proceed to try to find a way that is fair for the nonresident. The Senator from Cumberland, Senator Clark, and others would say that they don't want people lined up in their town. Clam diggers from other towns will really line up because they need this, so they do line up for long periods of time. I know it is inconvenient, but I think if it is better controlled than it has been in the past, it probably won't be as much of a problem for those towns.

I relate it to my own city, where we have certain attractions not clams, but concerts, that people will come from your cities and towns and line up for days and we have to put up with your people coming there and we do that willingly.

Therefore, I felt comfortable in signing on to this particular Report. I will be willing to have another compromise, but I ask you to please support the pending motion and allow us to move on. Thank you Mr. President.

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. As you know, I represent the town of Cumberland, which has a decent shoreline and also Chebeague Island, which has many people on it who derive their living from fishing, lobstering, and clam digging. I haven't had any problem in our town with outsiders getting their licenses. We have a very strict conservation program. I used to represent Harpswell, and I

noticed the Representative from Harpswell is opposed to this Bill that has just been presented. It is important that these communities handle this situation in a fair and equitable manner, which I think they have done. There are certain towns that perhaps haven't done it, but we have had no trouble in our town. I have a license to dig clams in my town and I certainly don't want to be put on the basis of a lottery. I want to have it done as it has been done in the past, fairly. I think we elect our own people in our own communities to handle these situations. Why should we, sitting here in the Senate or in the Legislature, tell the people of Cumberland how they are going to issue their licenses? It just doesn't make sense. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BRANNIGAN of Cumberland, to ACCEPT Report B OUGHT TO PASS Report in NON-CONCURRENCE.

The Chair ordered a Division.

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

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

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator BRANNIGAN of Cumberland, to ACCEPT Report B OUGHT TO PASS Report in NON-CONCURRENCE, PREVAILED.

Under suspension of the Rules, the Bill READ TWICE.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "A" (S-300) READ.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. Senate Amendment "A" (S-300) would amend the Report we have just Accepted to say that a town in issuing its nonresident commercial clam licenses would do it in the same way that it does it for its residential clam licenses. If they want a lottery for one, then they have a lottery for the other. If they want first-come first-serve for one, then they have it for the other. I am sorry we didn't have this particular idea in hand when the Committee met, but it is in hand now. It seems to be fairest by all means, as long as the residents and nonresidents are treated alike. Thank you Mr. President.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. There are times when we all experience the inevitable and some of us are a little dense and it takes two times to get it through our heads and that is me this afternoon. The Amendment that we have before us, S-300, does exactly what the good Senator from Cumberland, Senator Brannigan, suggested that it does. He has also, in his previous remarks, indicated that there is ample precedent at the state level for an interest of the state for involving itself in this issuance of shellfish and clam licenses. That, in fact, is true. For most of us along the coast, who have some legislative experience, have at one time or another served on the Committee on Marine Resources. While this issue wasn't there when I served on that Committee, I am very aware that the issue of clam harvesting and licenses is a perennial issue. In fact, the position of the state has been consistent. It does state from the state level that when a municipality issues clam licenses that ten percent of those licenses issued

will be reserved for nonresidents. That is recognizing that the marine resources off the coast of these coastal towns does, in fact, belong to all of us. We recognize and embrace that and it is acceptable. But, what has been the long and proud history of coastal towns, who subsidize through their local taxpayers, the conservation and plan management programs, is the exclusively purview of the local municipality with reference to issuing clam license. The only thing we have to recognize again is that a certain percentage must be reserved for nonresidents.

Now the good Senator from Cumberland, Senator Brannigan, has suggested that other towns, namely the city of Portland, experience long lines, people camping out, to secure tickets to concerts. Those concerts for the most part, at least in the last decade, have been located at the Cumberland County Civic Center, coincidentally located right plunk in the middle of downtown Portland and subsidized by property taxpayers in all of Cumberland County, all the remaining twenty-five of us. Does the city of Portland, or the town of Scarborough, or even the good city of Westbrook, contribute to the property tax burden of the coastal towns in Cumberland County? The resounding answer is most obviously, 'not on your life'. But, we do share in the maintenance and in the bond payoff of Cumberland County Civic Center. So while it is noteworthy that the city of Portland experiences municipal over burden by its location of the Civic Center, since many of us have some ownership with our tax dollars, I think we have perfect access to those concrete sidewalks. Now, that may not be particularly relevant to this issue,

but since it was used as an analogy, I would also submit that we, in some of the coastal municipalities, namely Yarmouth, Freeport, and Brunswick, are not adverse to people camping out, but it is the principle of the issue that the state would say, 'whatever you do for local residents who pay the property taxes, you now must do for all nonresidents'. That is deliberate in that the one town in Senate District 26, which does differently is the town of Brunswick. It issues its nonresident clam licenses on a lottery basis, because they don't have enough for all of the nonresidents who wish to secure one. Nor do they have probably enough for all of the resident licenses and the residents of that municipality who would like a non-recreational one or a commercial license. But, they are saying to that municipality, in fact, that if you do, and they do, issue their nonresident commercial license on a lottery basis, that they are going to have to issue their resident ones on a lottery, exactly the same way and that is not what is current practice. It isn't, I submit, the business of this state to tell that municipality how it should issue its clam licenses. The town of Freeport continues to issue both classifications on a first-come first-serve basis, also the town of Yarmouth. Those three coastal communities have survived for literally two hundred or two hundred and fifty years without the help of this state telling the municipality how it is going to issue those license. Frankly, members of the Senate, they don't really, honestly, candidly, and even bluntly need any help now. They have survived without it to date, they have the most prime commercially accessible clam flats along mid-coast Maine. They have conservation programs, which are state models, they are enduring the pressure of growth and development. Do they really need the state to tell them how to issue those licenses? I think not. I hope that you would consider seriously the role of that community and those other coastal

communities and reject this Amendment. Thank you Mr. President.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I just think that the Amendment that is being offered is a fair one. We are talking about all towns along the coast who have clam flats that are open, that they treat the ten percent nonresidents in the same way, they usually do charge them higher fees, which is allowed, and they have to submit a plan to the state in how they are going to do all of this. Some towns, as Senator Clark, from Cumberland, has said, many towns are now getting to the point where they have more people who want commercial digger licenses, than they have licenses. So, they are going to have to decide who gets them and who doesn't get them, as they do for nonresidents. So, all the nonresident people are asking is that they be treated in the same way as the residents in that town. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BRANNIGAN of Cumberland, to ADOPT Senate Amendment "A" (S-300).

The Chair ordered a Division.

Will all those Senators in favor of the motion by Senator BRANNIGAN of Cumberland, to ADOPT Senate Amendment "A" (S-300), please rise in their places and remain standing until counted.

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

19 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator BRANNIGAN of Cumberland, to ADOPT Senate Amendment "A" (S-300), PREVAILED.

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

Sent down for concurrence.

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Friday, June 16, 1989, at 8:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
85th Legislative Day  
Friday, June 16, 1989

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

Prayer by Senator Michael Pearson of Penobscot. The Journal of Thursday, June 15, 1989, was read and approved.

Quorum call was held.

Committee of Conference

Report of 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) have had the same under consideration and ask leave to report: that they are unable to agree

(Signed) Senator BERUBE of Androscoggin, Senator ESTY of Cumberland, Senator CARPENTER of York - of the Senate.

Representative GWADOSKY of Fairfield, Representative MAHANY of Easton, Representative WENTWORTH of Wells - of the House.

Came from the Senate with the Committee of Conference Report read and rejected and that Body having asked for a second Committee of Conference and having appointed the following members of the Senate to the Committee: President PRAY of Penobscot, Senator DUTREMBLE of York, Senator CAHILL of Sagadahoc.

On motion of Representative Gwadosky of Fairfield, the Committee of Conference Report was rejected.

On further motion of the same Representative, the House voted to join in a new Committee of Conference in concurrence.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 654)  
JOINT RESOLUTION MEMORIALIZING CONGRESS  
AND THE PRESIDENT OF THE UNITED STATES  
TO URGE THE RETENTION OF SMALL ISSUE  
INDUSTRIAL DEVELOPMENT BONDS

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 President of the United States and the Members of the United States Congress, as follows:

WHEREAS, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

WHEREAS, the availability of small issue industrial development bonds is critical to Maine's economic development providing expansion, diversification of the manufacturing sector, and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity, and quality critical to the long-term stability of the State's manufacturing base; and

WHEREAS, in the past 5 years, small issue industrial development bonds have resulted in investments of approximately \$300,000,000 in Maine and the retention or creation of over 29,000 Maine jobs and have enhanced the tax base of municipalities throughout the State; and