

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

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

In Senate Chamber
 Friday
 June 16, 1989

Senate called to Order by the President.

Prayer by the Honorable Thomas E. Perkins of Hancock.
 SENATOR PERKINS: Could we be in the spirit of prayer. Heavenly Father, as the day grows longer with our work schedule and sometimes our patience grows thinner, give us the tolerance and understanding, one with each other, as God intended, bearing in mind one never has too many friends or too much understanding. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
 Non-concurrent Matter

Bill "An Act to Restrict the Use of Lobster Trap Dipping Solutions"

H.P. 823 L.D. 1155
 (C "A" H-485)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485) AS AMENDED BY HOUSE AMENDMENT "A" (H-553) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Amending the Law Governing the Maine Committee on Aging"

S.P. 544 L.D. 1515
 (S "A" S-268 to C "A" S-251)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-251) AS AMENDED BY SENATE AMENDMENT "A" (S-268) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-251) AS AMENDED BY HOUSE AMENDMENT "A" (H-561) thereto, in NON-CONCURRENCE.

Senator CAHILL of Sagadahoc moved to ADHERE.

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

Senator BUSTIN: Thank you Mr. President. Could I ask for an explanation of the motion to Adhere?

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

The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. The reason I asked for the Adhere motion is that I am not particularly excited about the Amendment H-561, which is currently on the legislation. This deals with the appointments on the Committee on Aging, which was before the Aging, Retirement and Veteran's Committee. Currently, the law is that the Governor shall appoint thirteen members who are current

leaders of the state's elderly from a number of fields such as income, health, housing and community, and social services, and who have proven experience in private, public, and voluntary organizations on the state, regional, and community level, such as state-wide membership groups, task forces on aging, regional and county councils for older people, and municipal level senior citizens club. This Amendment says that beginning in 1989, "the Governor shall make every effort to avoid appointing persons who own or who have ownership interest in or who manage entities that provide elderly services." Frankly, I think the current law, ladies and gentlemen of the Senate, is quite specific that it wants people with this type of background to serve on the Committee on Aging and I don't think that we need to exclude these types of people from serving on that Committee. That is the reason I am asking for the motion to Adhere.

Senator CLARK of Cumberland moved to RECEDE and CONCUR.

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. When we are talking about the law, with specific reference to the Maine Committee on Aging, we would read under subsection 5018A-1, "Membership, general qualifications. The Committee shall be composed of fifteen members who shall be citizens of the State. The members shall have an unselfish and demonstrated interest in older people, a knowledge of the status of survival common to the State's elderly and an unwavering allegiance to the challenge of the declaration of a people made by older Americans." Those are the general qualifications for membership on the Maine Committee on Aging. There are two legislative Representatives, one from the House and one from the Senate, and for a number of years I have been honored to serve as the Senate appointee and while I haven't reached the age of sixty, I have received and have carried proudly for one year, my first ten percent discount card from a chain of drug stores here in Maine. The other Representative, from the other Body, is a man by the name of Hickey. With the exclusion of these two people, so named, the current membership of the Board consists of Margaret Russell, who is a nurse. Annette Ross Anderson, who is representing Central Maine Power Company, not representing, but that is her major employer. Robert Armstrong, who is a nursing home administrator. Reverend Bailey, who is a minister. Philip Cyr, who is a nursing home owner and administrator of a home health service. James Flannagan, a former member of the other Body and, indeed, representing older Americans, for he is our oldest member. Phyllis Gould, the lovely spouse of the Senator from Waldo, Senator Gould, who is a pharmacy owner along with her husband. Lorraine Hanson, who represents as her major interest continuing care retirement community developer. Dorothy Morrisette, who has an interest in the association of retired persons. James Normington, who is a board member of an agency on aging. Hilton Power, who is another board member of an area agency on aging, and a gentleman by the name of George Pray, no relation to our Presiding Officer, who is another older Maine citizen.

The development of this Bill originally was to allow the Maine Committee on Aging to assess a nominal fee for some of its publications to offset some of the costs of distributing and publishing those fees. It is perceived that it may generate as much as, perhaps, five hundred dollars in one biennium. Also, at the public hearing on this Bill, I, as the sponsor of the original measure, also

introduced to our Legislative Joint Standing Committee on Aging, Retirement and Veteran's, a proposal which I had originally presented as an introductory after deadline Bill to the Legislative Council, which would have provided for appointment to the Maine Committee on Aging, or an alteration of that appointment process. More specifically, I proposed that the Presiding Officers of the House of Representatives and the Maine Senate, appoint six of the fifteen members. I presented it at the public hearing before the Joint Standing Committee, because the Legislative Council encouraged me to seek a vehicle to present that proposal rather than an after deadline Bill. Taking that direction, I included that when I introduced this Bill before the Committee. The members of the Committee, who were present at the hearing and who were present at the work session, reported out not only the original Bill, but incorporated my recommendation, seven members of the House and two members of the Senate were present. That report was an unanimous Committee Report. Under our current rules whereby we don't wait the twenty-four hours or forty-eight hours, nor do our Committee clerks journey around the State House and solicit the signatures of people who were not there. That is because of the time pressure for facing this and our statutory adjournment time. I did learn, after the Committee Report was out unanimously, that there were members of the Committee not present, who expressed concern about this, I introduced an Amendment, which eliminated that portion of the Bill, which they found contentious, so as not to jeopardize the original Bill. There is another day for that issue.

There is concern among Legislators that the composition of the Maine Committee on Aging, in fact, is achieving a distinctly different cast than it has since its inception well over a decade ago. To illustrate my point, one of the members of the Maine Committee on Aging, who coincidentally is associated with nursing homes, is alleged to have contacted a member of the staff of the Maine Committee on Aging and threatened that staff person with termination of that person's employment should that addendum that was incorporated into the Committee Report, achieve final passage. There has been an interesting, unusual, and even amazing expenditure of energy and a not sincere threat of a gubernatorial veto on this measure should my after deadline proposal, which I presented to the Committee, ultimately receive passage in both Chambers during the session. It is because of that unusual activity, plus the concern expressed by the members of the Committee not present at the work session nor the hearing, that I eliminated that section of the Bill in an Amendment in this Chamber.

Those kinds of alleged activities on behalf of the members of the Maine Committee on Aging, to its long standing and dedicated staff are, incidences which do not bode well and which reflect my concern as a member of that Committee, as well as a Senator representing older citizens of the state, as to the role of the members of that Committee who have particular interest in provider services to older Maine citizens. More precisely, nursing home administrators. For it has been the Maine Committee on Aging who have served, literally, as the watchdogs for the thousands of Maine citizens who are residents of these intermediate care facilities and in which facilities, the control of their lives is removed and in which facilities, the quality of their lives and their survival and their care is determined. I submit to you that if it were not for the program provided by the Maine Committee on Aging, and its

role as a proactive advocate for Maine's older citizens, that there would be a dramatically lower quality of life for the residents in these nursing homes. It was because of that unusual interjection in the legislative process, as well as the alleged threat of termination of service with the Maine Committee on Aging for that staff person, as I understand it, the Amendment that is attached to this Bill, House Amendment "A" H-561 was attached.

It does not dictate to our Chief Executive, our Governor, who he shall appoint. It does not prohibit his appointments, but it does narrow the focus so as to encourage appointments that are not so directly reflective of any alleged conflict of interest. I must express to you this morning, honestly, that I think it is appropriate that nursing homes and nursing home owners and administrators are appropriately appointed as minority members, and I mean minority in numbers, on the Maine Committee on Aging. But, I think it is injurious to the advocate role of the Maine Committee on Aging that there be more than exists on that Committee now. That is only my opinion from my perspective. I do think it is, indeed, appropriate that our Governor in the appointment process, for we all recognize that it is our Governor's staff that processes these appointments, be charged with the responsibility to make sure, or to insure, not only to the current residents of nursing homes and other older Maine citizen care facilities, that this Maine Committee on Aging be representative of a cross section and not predominately representative of interests of the providers of that care. To avoid, in so far as possible, not only the appearance of a conflict of interest, but frankly, a conflict of interest.

Nursing home administrators and owners, nurses, physicians, pharmacists, representatives of area agencies on aging, members of the clergy, veterans, and all of us will someday, we hope, have the privilege of being called older Americans. But, the Committee which serves as the active guardian of the interests of those whose control of their own lives has been removed from them because they are now residents of nursing homes, need the assurance that the guardian, the watchdog of that care, the Maine Committee on Aging, be representative of a broad cross section of Maine citizens. I think it is, indeed, appropriate that the appointment process to the Maine Committee on Aging be encouraged statutorily to reflect that representative cross section of older Americans and the interests of their well-being. I would urge your support of the pending motion to Recede and Concur. Thank you.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I commend the good Senator from Cumberland, Senator Clark, for her remarks. I know that she has a history of continuing interest in the elderly and being a very active person in promoting their needs. I certainly credit her with that past history. Unlike the good Senator, I have attained the age where I qualify as a senior citizen and so my interest is, perhaps, personal as well as interest in other people who are at that point in life. I have a history with nursing homes in that I visited my father for the last five years of his life on a regular basis at that nursing home and I am pleased to report that he received excellent care during that period of time.

I kind of like the idea of a diversity of the makeup of that Committee. It seems to me that the people who provide services for the elderly, aid that

function a great deal. It seems to me, also, that the Amendment would prohibit for example, people in the home care industry that are managers of a not-for-profit facilities and the reference to the gentleman from Caribou, by the name of Mr. Cyr, happens to fall in that category. He is a manger of a not-for-profit facility that provides home care and, incidentally, does a splendid job. At one time he was associated with a nursing home. I realize that the language in the Amendment is not necessarily mandatory and it is suggested. Nevertheless, I think we would be well advised to stay with the existing law. I think the makeup of that Committee is diverse and I would hope that the Senate would keep it that way.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President. Mr. President, men and women of the Senate. My wife, Phyllis Gould, is on this Committee on Aging. She is a R.N. and she does work for a nursing home. She is not the manager yet, but like all things in life, we all try to achieve the importance of being a manger, an owner, and an operator. I feel that the Committee's, as it is, regulations are acceptable. I feel that we should defeat this Amendment. Thank you.

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

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to begin by thanking, as I have many times this year, the good Senator from Cumberland, Senator Clark, for helping me understand some of the issues that have come before the Committee on Aging. I have looked to her for her guidance on many occasions, because she is one of the ranking members on the Committee on Aging, Retirement and Veterans, where I am a freshman on that particular Committee. I do respect her views on this legislation, but I think personalities, in regard to the appointment process, aside, we should look to providing the very best representation possible to this Committee on Aging. While I read the suggested language that will be incorporated into the law, which suggests that the Governor avoid appointing certain persons, I flip it over and look at the statement of fact which says, "it prohibits the appointment of people who own for profit entities that provide elderly services." I recognize, having been here for a number of years, that the statement of fact does not go into the law, but I think it is sort of conflicting having the law suggest and the statement of fact prohibit. I would like to bring that to everyone's attention. I recognize the law suggests, not prohibits, against these appointments.

There was a reference made to a veto of the legislation. I have not heard anything about a veto, in fact, I haven't even discussed this issue with the Governor's office. I would like to close by telling you that I think that, at this time in the legislative process when we have three and a half days left before statutory adjournment, that if the Legislature starts getting into personality contests, and that is personalities between the appointed positions of the Legislature, and if we start interfering in those types of personality contests that we may be here a lot longer than June 21.

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

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President. Mr. President, men and women of the Senate. For the Record it was mentioned previously that I was a

pharmacy owner, I am not a pharmacy owner any longer. I sold my pharmacy three years ago.

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. It is important, I believe, that I extend my appreciation for the response to my remarks this morning. If I made an error with reference to the Senator from Waldo's ownership, then I extend my apology and receive the graceful correction. I would also thank the good Senator from Aroostook, Senator Collins, for his generous remarks and state that it is important, as has been noted by the Senator from Sagadahoc, Senator Cahill, that the statement of fact in no way is intended to prohibit the appointment in any respect. She is indeed correct in that the statement of fact is not part of the law. On House Amendment "A" H-561, I would hope, as you review it, that you delete in your mind from the statement of fact the word, prohibit, because it doesn't. The intent of this Amendment, which was attached in the other Body, is to promote appointing persons who do not have an interest that may result in gain from the operation of provider services to Maine's older people. It in no way prohibits appointment of people who have, or continue to have, interests in provider services to Maine's older people. It is simply a narrowing of focus and seeks and encourages those people making the appointments to perhaps more broadly focus on those who have a broader representative view of the services that might be provided to older people. It is not a prohibition. I do concur in that the Maine Committee on Aging membership should be representative of the best interests of services provided for all of Maine's older people. That is why, essentially, this Amendment was attached.

If one looks at the history of the membership of the Maine Committee on Aging, one would note the very obvious absence over these many years of the representative interests of the providers of residential care for Maine citizens. You would also note that appointment has, in large respect, included members who have medical backgrounds of a wide diversity, including pharmacies, nursing, retired doctors, physical therapists, and so forth, but there has been a paucity of appointments under a long series of administrations spanning well over a decade of nursing home administrators. It is further interesting to note, even more narrowly, that the person named by the Senator from Aroostook, is the very person to have allegedly threatened the job security of a staff member of the Maine Committee on Aging in recent weeks or days. If the Bill that came out of Committee ultimately passed, for that staff person was blamed with the full responsibility of allowing the Joint Standing Committee on Aging, Retirement and Veterans, to accept the proposal that I had offered. The staff person, who is sitting in the audience, and it was more specifically suggested that it was that staff person's fault that my proposal was incorporated into the ultimate unanimous Committee decision of the members present and that hearing and work session. Such misunderstanding and gross distortion of what actually occurred, coupled with the not so thinly veiled job security threat of that staff person, bodes poorly on the relationship between the members of the Committee and that marvelously staffed Committee today. If this is an indicator, and I use it only as an example of the contribution of the adversary relationship between members of the Maine Committee on Aging for the first time in history, and the members of that dedicated staff, then we are in trouble and it makes this

attachment from the other Body, H-561, even that much more important.

I was loathe to have shared, as carefully as possible, my understanding of what has transpired in recent days and weeks as a result of our legislative action here. I tried, in so far as possible, by amending out the contentious part of the Bill, to avoid it. but in order to present my support for the pending motion and in order to respond so that you would more clearly understand what had allegedly occurred, I found it necessary to focus my remarks on what I understand to have, in fact, occurred. With that in mind, I hope you will, and I invite you to do so, support the pending motion to Recede and Concur. Thank you.

Senate at Ease
Senate called to order by the President.

Senator CAHILL of Sagadahoc requested and received Leave of the Senate to withdraw her motion for a Roll Call. Subsequently, the same Senator requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland, to RECEDE and CONCUR.

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator CLARK of Cumberland, to RECEDE and CONCUR, PREVAILED.

Non-concurrent Matter

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

S.P. 647 L.D. 1742

Joint Select Committee on CORRECTIONS suggested and ORDERED PRINTED.

In Senate, June 12, 1989, PASSED TO BE ENGROSSED, without reference to a Committee.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-552) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 15, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of James D. Harrington of Winthrop, for appointment to the Harness Racing Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this

nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Sen. Kany of Kennebec

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James D. Harrington of Winthrop, for appointment to the Harness Racing Commission be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, the nomination Tabled until Later in Today's Session, pending CONSIDERATION.

The Following Communication:
COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 15, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Richard B. Olfene of Auburn, for appointment to the Maine State Liquor Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Sen. Baldacci of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard B. Olfene of Auburn, for appointment to the Maine State Liquor Commission be confirmed.

Sincerely,

S/Zachary E. Matthews S/Charles R. Priest
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, the nomination Tabled until Later in Today's Session, pending CONSIDERATION.

The Following Communication:
COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 15, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Michael V. Rizzolo of Lewiston, for appointment to the Maine State Lottery Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Sen. Baldacci of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael V. Rizzolo of Lewiston, for appointment to the Maine State Lottery Commission be confirmed.

Sincerely,

S/Zachary E. Matthews
Senate Chair

S/Charles R. Priest
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, the nomination Tabled until Later in Today's Session, pending CONSIDERATION.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Harmonize the Adjustable Rate Transaction Requirements of the Maine Consumer Credit Code with the Federal Truth-in-Lending Act and to Repeal Sunrise Provisions"

H.P. 626 L.D. 849

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-560).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-560) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on BANKING AND INSURANCE on Bill "An Act to Exempt Group Medicare Supplement Contracts from the Mandated Benefits for Substance Abuse and Mental Illness"

H.P. 1230 L.D. 1715

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-547).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-547) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Reduce Medical Malpractice"

H.P. 1009 L.D. 1407

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-546).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-546).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-546) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on EDUCATION on Bill "An Act to Codify Guidelines for Home and Private Schools"

H.P. 949 L.D. 1317

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-544).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-544) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on EDUCATION on Bill "An Act to Ensure Regular Attendance for All Maine School Children"

H.P. 1168 L.D. 1622

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-555).

(Representative OLIVER of Portland Abstains.)

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-555) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 514 L.D. 694

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-556).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-556) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Protect the Sunapee Charr"
H.P. 985 L.D. 1363
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-557).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557).
Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-557) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on LABOR on Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (Emergency)
H.P. 530 L.D. 715
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-548).
Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548).
Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.
Committee Amendment "A" (H-548) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on LABOR on Bill "An Act Relating to Compensation for Hearing Losses Under the Workers' Compensation Act"
H.P. 1008 L.D. 1406
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-550).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550).
Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-550) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on LEGAL AFFAIRS on Bill "An Act to Require Counselors of Operating under the Influence

Offenders to Approve Restoration of Drivers' Licenses"

H.P. 1151 L.D. 1605
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-554).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554).
Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-554) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Subject Municipal Rulemaking to Statutory Administrative Procedures"
H.P. 595 L.D. 813
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-543).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543).
Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-543) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Clear Title or to Secure a Release of Property from the State
H.P. 1149 L.D. 1603
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-545).
Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545).
Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.
Committee Amendment "A" (H-545) READ and ADOPTED, in concurrence.
Under suspension of the Rules, 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.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, Concerning the Development of a New Master Plan for the Capitol Area (Emergency)
H.P. 1172 L.D. 1626
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-551).
Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551).
Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-551) READ.

Senate at Ease
Senate called to order by the President.

Committee Amendment "A" (H-551) ADOPTED, in concurrence.

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

Senate
Ought to Pass As Amended

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement, Administer and Enforce the United States Emergency Planning and Community Right-to-Know Act of 1986" (Emergency)

S.P. 540 L.D. 1475

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-307).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-307) 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 LABOR on Bill "An Act to Promote Prompt and Peaceful Settlements of Labor Disputes"

S.P. 385 L.D. 1021

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-296).

Signed:

Senators:

ESTY of Cumberland
MATTHEWS of Kennebec

Representatives:

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

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

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

BUTLAND of Cumberland
REED of Falmouth
MCCORMICK of Rockport

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.

Senate at Ease
Senate called to order by the President.

On motion by Senator ANDREWS of Cumberland, RECESSED until 12:30 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator TITCOMB for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend the Teacher Retirement System Laws to Allow Contributions for Associates in Education" (Emergency)

S.P. 643 L.D. 1735

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-312).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-312) 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.

Off Record Remarks

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Provide a Special Adjustment for Hospitals Having Unusually Low Financial Requirements per Case" (Emergency)

S.P. 382 L.D. 1018

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-317).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-317) 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 ESTY for the Committee on LABOR on Bill "An Act to Expand the Maine Job Training Partnership Program"

S.P. 462 L.D. 1247

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-310).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-310) 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 MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Laws Governing the Operation of a Watercraft While Under the Influence"

S.P. 84 L.D. 84

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-309). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-309) 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 TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Amend Commercial Driver License Laws"

S.P. 460 L.D. 1245

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-311). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-311) 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 CARPENTER for the Committee on UTILITIES on Bill "An Act Concerning the Public Utilities Commission"

S.P. 649 L.D. 1744

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-313). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-313) 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 to Clarify the Provisional Payments Provision of the Workers' Compensation Law Regarding Disability and Medical Payments"

S.P. 555 L.D. 1558

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-314).

Signed:

Senators:

ESTY of Cumberland
MATTHEWS of Kennebec
WHITMORE of Androscoggin

Representatives:

MCCORMICK of Rockport
BUTLAND of Cumberland
REED of Falmouth
MCHENRY of Madawaska

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-315).

Signed:

Representatives:

LUTHER of Mexico

MCKEEN of Windham
RUHLIN of Brewer
PINEAU of Jay
TAMMARO of Baileyville
RAND of Portland

Which Reports were READ. The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314) Report was ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-314) 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 STATE AND LOCAL GOVERNMENT on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies"

S.P. 312 L.D. 817

Reported that the same Ought Not to Pass.

Signed:

Senator:

CARPENTER of York

Representatives:

LARRIVEE of Gorham
HANLEY of Paris
DAGGETT of Augusta
BEGLEY of Waldoboro
MCCORMICK of Rockport
HEESCHEN of Wilton
JOSEPH of Waterville
ROTONDI of Athens
GWADOSKY of Fairfield
WENTWORTH of Wells

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-316).

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Which Reports were READ.

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

Senator CARPENTER of York requested a Division.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CARPENTER: Thank you Mr. President. Mr. President, men and women of the Senate. The title of this Bill only, is bad enough to make it Ought Not to Pass. Just the word abolish is just too definite. To abolish county government without any proven reason, just sounds forever. The Amendment to this is for a study Committee, which it seems like every three or four years this Bill has already a so-called study done. I have read the studies and each one of the studies that were done state, 'let's have a study'. Basically, what I think they are saying is a real study, a funded study, to find out the facts so that if it does go to referendum that you can face your constituents and give them the facts, the dollars and cents, what it will cost or how much it will save. It is possible that the study would show me that it would save money if county government was taken over by the state. But, if it is not done, I can't support it.

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. The Bill before us is not the Bill that the gentleman from York has mentioned. It says that it would set up a Commission to study the structure of county government and possible options to reform the delivery of county functions. That does not include the word abolish.

Mostly it will do what the gentleman has just said. It will determine the costs and determine the savings, if any. The Bill establishes a Commission to do several things. To review the functions, currently, of county government to determine its efficiency, the Bill says efficacy, but I will say efficiency, in performing services to identify possible savings or whatever costs might be incurred if duties were transferred to municipal and state governments to look over the functions of county government to evaluate the effects on the people that might come about if we replace this third level of government. It would suggest legislation to achieve the recommendations of the Commission, that would be reported to the next session of the Legislature in December. There might be some legislation coming up emanating from this Commission study at which time the legislature could then determine whether or not the facts, indeed, to warrant addressing the continued existence of county government.

County government has been here for many, many years started by french King Charlemagne and he had set up to control his vast territories, counties, and he named the directors of these counties, counts. But when William the Conqueror invaded England, he brought along his idea of counties and changed the name. When the immigrants came to North America in the sixteen and seventeenth centuries, they brought that form of government with them. It was needed in those days, because there was no centralized forms of government anywhere and it served a viable, effective purpose. But, this is 1989, we now have three levels of government addressing the needs of the people. In certain counties, there very well may be valid reasons to continue retaining this form of government and some counties, mine particularly, there might be less reason to retain the form of government you see. But before that would be done, there would be reports indicating what benefits to the taxpayers, and that is what I have in mind right now, and if, indeed, it warranted a piece of legislation at that time would be drafted and then if the Legislature approved from both Body's and signed by the Governor, it would then go automatically to referendum, at that time, to the people of this state. They then would know what they were voting for, not just a term, abolish. This is really to study the structure, the functioning, and whether or not it should be continued. So, I still offer my proposal to Accept the Ought to Pass Report.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question through the Chair. When was the last study of county government done?

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

The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. I heard there was one in 1984 and I heard one in 1965 that

was brought into our Committee. There might have been others in the interim. Thank you.

Off Record Remarks

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. First of all, I would like to call your attention to the Amendment that really replaces the Bill, to which the good Senator from Androscoggin, Senator Berube, spoke. The Amendment is S-316 and the title is "An Act to Provide a Referendum to Abolish County Government." The new one, contained in the Amendment, is "An Act to Study the Structure of County Government and Possible Options to Reform Delivery of County Functions." I recall, as a freshman Legislator, in 1975, serving on the first Commission on Maine's Future and one of the major items that we looked at was the structure of our government. Everybody back in 1975 agreed that counties are not functioning properly, they are just a relic and bureaucratic extra layer of government and they have a few functions. Let's either strengthen them and do a good job of it, or let's abolish them and do away with it. Out of that Commission on Maine's Future, came a recommendation to try to strengthen them first and see if we can do it, so that they perform better and really provide a real service to those who live within their boundaries. So that was attempted. Out of that Commission came legislation enacted by this Legislature, which would allow individual counties, if approved by the voters within them, to really perform their own government functions and to take it entirely out of the legislative hands. So, no longer would they be real small creatures of state government, but just regular creatures of state government. There are only two counties thus far who have chosen to take advantage of that law which exists. One is Cumberland and I understand Waldo, which has a weaker form than Cumberland. So, the individual counties have had at their disposal all of these many years that option, the option of governing themselves. Most have chosen not to do so.

It is with that in mind that I hope we do go with the recommendation of the Senator from Androscoggin, Senator Berube, and look at this once again. It is time. What are we left with in county government? We are left with boundaries that were determined before Maine became a state. Are they the appropriate boundaries? Do they reflect watersheds? Do they reflect economic areas? Do they really reflect any appropriate boundaries?

What functions are left? We got rid of the county attorney system many years ago, we are left with district attorney's, sometimes serving several counties, we are left with a registrar of deeds, registrar of probate, those services could perhaps be formed in some other manner. We have discussed the county jails and so far this legislature approves of removing that function from county government. We have sheriffs and perhaps rural sheriffs patrol, providing some law enforcement duties. I know in my Senate District of eight towns, three of them have their own local law enforcement officers, their own police departments, and every single year I hear resentment from those municipalities saying that in addition to paying for their own police departments that they choose to have, that they have to pay for the sheriffs rural patrol too. There are many

problems associated with counties. Perhaps there are some strengths, but it is time, in my view, to have a thorough reevaluation once again so that when we discuss counties, as we do in some form here every year, that we have a better basis to provide rational public policy-making regarding counties.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I just rise to agree with the good Senator from Androscoggin, Senator Berube and the good Senator from Kennebec, Senator Kany. Their remarks are absolutely accurate. There are many parts of this state that county government has outlived its usefulness in service to municipalities in many areas. This study and this proposal is absolutely essential to bring county government into the twenty-first century so that it can serve the towns and cities, as well as the state, well. We presently created a number of regional kinds of authorities, such as planning commissions, council of governments. We have talked about solid waste sub-regions, all kinds of regional things that county government could be doing. This is a timely proposal and one in which I endorse. I think it is absolutely essential. The referendum possibility is the hammer of this proposal that allows it to be taken seriously. Without the possibility of a referendum, county government officials will take this as seriously as they have taken other studies and we have seen what has happened to those. It makes a very real and important proposal. I believe in my county if this were a referendum today, that county government would be eliminated. So, by seriously addressing this issue, through this vehicle, I think that we could make some positive changes. Thank you.

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

Senator CARPENTER: Thank you Mr. President. Mr. President, men and women of the Senate. A large majority of the State and Local Government Committee felt that just another legislative study, unfunded, done by Legislators, would probably be where the last two are, some where in the archives. We felt that if you are really serious in this Committee then they should go with an outside consultant to study the whole process of county government and we would have to fund it. Thank you.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. It happened to be on the original Bill, but I wasn't naive enough to know that we were going to do away with county government. You have seen what has happened recently here, we aren't going to do away with the jails either. I thought, at the time when I spoke at the hearing, that there are certainly changes that should be made in county government.

I don't believe that all the studies you do and all the examinations you do, you are ever going to do away with county government, unfortunately. There are many things that should be changed in county government and possibly there should be some studies done. I don't know. Shouldn't there be a fiscal note on this Bill? There is. I could go either way on this Bill. I am in an odd situation on it, because there are problems in county government, but there is also a problem about doing anything about it. I don't think you are going to do anything about it. Thank you.

THE PRESIDENT: The pending question before the Senate is motion by Senator BERUBE of Androscoggin,

to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-316) 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:

NOMINATION - of James D. Harrington of Winthrop, for appointment to the Harness Racing Commission.

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, June 16, 1989, Communication from the Committee on AGRICULTURE READ and ORDERED PLACED ON FILE.)

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

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (6/15/89)

Bill "An Act to Protect Maine Workers from Needless Injury and Death by Creating the Offenses of Work-related Manslaughter and Work-related Aggravated Assault"

S.P. 508 L.D. 1396

Tabled - June 14, 1989, by Senator WEBSTER of Franklin.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-276)

(In Senate, June 14, 1989, Committee Amendment "A" (S-276) READ.)

On motion by Senator GAUVREAU of Androscoggin, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (S-276).

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

Bill "An Act to Protect Maine Workers from Needless Injury and Death by Creating the Offenses of Work-related Manslaughter and Work-related Aggravated Assault"

S.P. 508 L.D. 1396

Tabled - June 16, 1989, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-276)

(In Senate, June 14, 1989, Committee Amendment "A" (S-276) READ.)

On motion by Senator HOBBS of York, Senate Amendment "A" (S-318) to Committee Amendment "A" (S-276) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. If you will bear with me, I would like to briefly explain and read into the Record, for purposes of legislative intent, the Amendment, which was just presented regarding the workplace issue of manslaughter. This Amendment replaces the Committee Amendment. It revises the definition of work-related manslaughter and deletes the crime of work-related aggravated assault as proposed by the original Bill. This Amendment makes the Maine Revised Statutes, Title 17-A, section 203, subsection 1, gender neutral by replacing a masculine pronoun with a noun.

A new category of manslaughter is added to the existing law which is based on the violation of Maine or United States health or safety standards. It applies to any person who has management or control over employment, a place of employment or another employee. The crime has three basic parts. First, the person must have intentionally or knowingly violated a Maine or federal health or safety standards. These standards include, for example, hazardous materials handling regulations, requirements for guardrails and protective clothing requirements. The applicable standards are not limited to Occupational Safety and Health Administration Standards. Second, the violation must have in fact caused the death of an employee. Third, the risk inherent in the violation must be sufficiently obvious for death to be a reasonably foreseeable result of the violation and accordingly will involve a substantial deviation from the standards of conduct that a reasonable and prudent person would observe in the same situation.

The requirement of intentionally or knowingly violating a standards is intended to prevent prosecutions for merely negligent or inadvertent violations, errors in judgment and disregard of the work rules by the employee who dies, and to limit prosecution to intentional and deliberate violations in circumstances likely to lead to death.

Work-related manslaughter as added by this amendment is a Class C crime. This does not in any way remove the prosecutor's discretion to charge the person with murder of Class A manslaughter if the facts warrant such a charge. This category of Class C manslaughter will allow the State to prosecute cases to which the existing murder and manslaughter laws do not clearly apply, but in which a person has intentionally or knowingly violated a duty and that violation caused a foreseeable death."

This particular Bill initially received the unanimous report of the Committee on Judiciary. There were some issues that were raised by management lobby. The Judiciary Committee met for three and a half hours yesterday with all parties present, the Governor's office, organized labor, management, the Attorney General's office. This particular Amendment received the endorsement of all the members of the Judiciary Committee and the commitment of all parties concerned that they will accept this particular amendment without any other amendments added. I ask the Legislature to endorse our work, which I think is a monumental piece of legislation.

On further motion by same Senator, Senate Amendment "A" (S-318) to Committee Amendment "A" (S-276) ADOPTED.

Committee Amendment "A" (S-276) as Amended by Senate Amendment "A" (S-318) thereto, 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

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Regulate Development Along Certain Water Bodies"

H.P. 1125 L.D. 1568

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-566).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-566) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on HUMAN RESOURCES on Bill "An Act to Promote Greater Access to Health Screening"

H.P. 1238 L.D. 1729

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-565).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-565) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act to Improve Retraining Opportunities for Maine Workers"

H.P. 999 L.D. 1388

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-567).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-567) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS
House
Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Provide for the Licensing of Counseling Professionals and to Create a Board of Counseling Professionals Licensure"

H.P. 684 L.D. 936

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-541).

Signed:

Senators:

BALDACCI of Penobscot
HOBBINS of York
WHITMORE of Androscoggin

Representatives:

ALLEN of Washington
STEVENS of Sabattus
GURNEY of Portland
GRAHAM of Houlton
LIBBY of Kennebunk
SHELTRA of Biddeford
MARSTON of Oakland
TELOW of Lewiston
REED of Falmouth

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

Signed:

Representative:

CONSTANTINE of Bar Harbor

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-541).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-541) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS
House
Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Reduce the Number of Full-time Legislative Staff Employees"

H.P. 1180 L.D. 1635

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

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

The Minority of the same Committee on the same

subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-564).

Signed:

Senator:

CARPENTER of York

Representatives:

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

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

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

Senator CARPENTER of York requested a Division.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CARPENTER: Thank you Mr. President. Mr. President, men and women of the Senate. When we hard this Bill in Committee, I really couldn't understand why it wasn't, at that point, a unanimous Ought to Pass. The opposition to the Bill was really nil, because at that point in time, everyone was attempting to conserve monies, the letters had been written out from Legislative Council restricting spending. This Bill does nothing more than that there will be no additional staff employees until the consulted report, that was agreed upon from Legislative Council, is returned to us, I believe it is January 1, 1990. It doesn't restrict anyone from filling positions from retirements, resignations, of firings, but there will be no additional employees. Thank you.

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. You all know my feelings on fiscal responsibility. This Bill, however, would not become effective, to start off with, until mid or the end of September and the report of the legislative study is due back by the beginning of January. So, for two or three months it serves absolutely no purpose to pass and enact legislation to have a moratorium, if you will, on the hiring of additional staff. It is my understanding that there is no additional staff being hired presently and I saw absolutely no need of this Bill. That is the reasons I voted with the Ought Not to Pass Report. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge the Body today to concur with the position of my colleague from Androscoggin, Senator Berube, in urging support for the Majority Ought Not to Pass Report. It strikes me that ordinarily when governmental bodies impose moratorium there is a concern that major harm will be done to the environment or to some body or entity. Therefore a need for a moratorium or injunctive relief is allowed.

I would pose a question through the Chair to anyone who might care to respond. What type of harm to the people of Maine would be caused in the event that the Legislative Council, in its discretion, decided to add an additional position between now and the time the legislative study commission returns with its report?

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 York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. Mr. President, men and women of the Senate. Could he repeat the question please?

THE PRESIDENT: The Senator from York, Senator Carpenter, has posed a question through the Chair to the Senator from Androscoggin, Senator Gauvreau.

The Chair recognizes the same Senator.

Senator GAUVREAU: Thank you Mr. President. My question is as follows: Where would be the major harm to the people of the State of Maine were the Legislative Council, in its appropriate discretion, to decide to add another position to the Legislature between now and the time that the legislative study commission returns with its work product in January?

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. In response to the question, first, obviously the Legislative Council, in its discretion, has the ability to add staff. The ability is there and maybe it wouldn't be there if this Bill were passed. Let's be honest though, the reason this Bill is here is because of a real problem that ought to be brought to light. State spending is really rising at a more than reasonable rate. Legislative spending is rising even faster. Years ago, when the Senate was no longer in session, the staff went home, they didn't stay on the payroll. Many staff people who worked years ago were not full-time and now they are. The budget has risen from about four million, back five or six years ago, to fifteen or sixteen million today, at a rate which is unacceptable to many of us, especially during tight budgetary times. I happen to be a cosponsor of this Bill and believe that something has to be done. This may not be the answer and I have no illusions that this Bill is going to pass, but I think that those of us who are concerned about the way taxpayers money is being spent, particularly about the way Legislative dollars are being spent, want some kind of legislation before this Body and to Enact some kind of law on the books which would limit spending. This may not be the best, but it is better than what we have now and I would urge you to oppose the good Senator from Androscoggin, Senator Berube, and support the Bill after her motion is defeated. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator CLARK, to the Rostrum where she assumed the duties as President Pro Tem.

The President then took a seat on the floor of the Senate.

Senate called to order by the President Pro Tem.

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

Senator PEARSON: Thank you Madam President. Madam President, men and women of the Senate. Some of us in this Chamber have been here a long time, either in this Body or the other Body. We see a lot of changes over the years. I can remember asking if I could borrow a fountain pen and being told that I probably ought to stop down to the office supply place on Water Street in Augusta and pick up some. The limit on the telephone calls that we could make, the access to even get to a telephone, let alone being able to make calls. Of having to be absolutely unable to meet with my constituencies to respond to

their letters. To tell you the truth I still cannot respond to my constituents letters. I will get today on my desk probably thirty-five letters. I go through them and I look for the postmark and if they come from my district, I move those to the top of the pile and I read them and I put them aside and I say, 'well I have to get to those'. Half of the time I don't. The reason I don't is because I don't have any staff that really can do that. I want you to know that I am fortunate in that I have a person that I can call on that I share with my co-chair, but even at that, I can't keep up with it. I haven't been home to get to the mail at home for two weeks now. I am going to be calling up one of my neighbors today to get a grocery bag to go to the post office, because she has the combination to my post office box and get my mail. She will have to ask at the window, because it will take a whole grocery bag. Those are the people that are writing to me to try to catch me at home, so that I can read it during the weekend. This Legislature has come a long way over the last several years and it is an improvement. In Appropriations, we receive the notices to pay the bills to try to make this place work. It wasn't very long ago, when you came in the door, where there was a block of wood over it, because the door was falling down.

Yesterday we had a Bill, I think it was for two hundred and forty-four thousand dollars, to repair the roof on this building. Instead of appropriating two hundred and forty thousand dollars, we took money from the hundred and fifty thousand dollars that we are suppose to use to repair the steps in front of the capitol and are going to use that on the roof and try to delay the steps until later on. This building, in the last several years, has been crumbling because of the lack of maintenance. Go out and look at the dome, they have been working on it for a couple of years now. All of that, in the past, has been under the legislative account. Sure it has gone up, because it was neglected in the past. I could go on forever talking about the way it used to be in here and bore you to tears probably, because you only remember the present moment. When the Democrats in this Senate were in the minority, we were stuck in closet and when requisitions were asked for, for different things, they were sometimes approved and sometimes not, and more often not. There was no accommodations to speak of for the rank and file around here, as to offices or help to get anything done. I could get too partisan and I don't want to do that, even though I believe this is one of those kinds of Bills. People around here don't understand that we have had a tremendous rise in health insurance, that has gone up to sixty percent over the last several years and that has taken a tremendous toll on the Legislative budget.

In spite of all of that and all the people who work under the Legislature, that is the Revisor's office, the Senate, the House, it is still less than one percent of the state budget for this branch of government. At the very same time that people are criticizing the Legislative Branch, and it is a popular thing to do, lo and behold very little is ever said about any of the other two Branches of government. They have had tremendous rises in salaries and expenses and facilities as the population of Maine has increased. We now have before us, down in the Appropriations Committee, a 1.1 million dollar bill for courts in Portland, a request for a court in Presque Isle, Bath, Dover, and there are five or six of them, because it has grown, because their responsibilities have grown. Ours, too, have grown and along with that comes cost.

I have had occasions to speak to the President of the Senate and the Majority Leader of the Senate and several other people about holding down costs, and they are trying also. I have said, 'can't you cut here, can't you cut there, why don't you do this, why don't you do that' and they have been responsive to the degree that they can. I say that, of course, to everybody.

The Executive Department in this state, with regard to the Governor's office itself, is not questioned by the Appropriations Committee. We believe that the Blaine House and the Governor's office should receive what it needs in order to operate. But the other agencies within the Executive Department, Conservation, Education, and all the rest of them, have soared just as much as the Legislature, but it is politically popular to pick on the Legislative account, because one party happens to be in the majority and one party happens to be in the minority. Let's call a spade a spade. That is all there is to this Bill. I think that is a shame, because when the Democrats were in control of the House and the Republicans were in control of the Senate, that was not heard. It is only now that it is being heard. The cost of the Legislative Branch of government is no greater, maybe even less, than the other Branches of this government that we operate under. I am proud of that. I am proud of the facilities in this Legislature, and I am proud of the people who work in it too. I can go down to the other Body and be proud of every single person that works in there and the same here in the Senate. These are fine young men and women that work here and they are essential for me to get my job done. My job. I don't know about yours. includes work in the summertime, when I have to call up and do things over the phone. I don't like to come to Augusta, I don't like being down here in the summertime, but there are people who do my work for me over the phone and occasionally I have to get in the car and drive down here. We have nothing to be ashamed of, we have everything to be proud of. I would also say that my political party should be very proud of the way it has treated the other political party. We added two staff people this last year, one to the minority and one to the majority. I think that nobody in here has any reason to be critical of the way they have been treated or the cost of the government the way we have operated it. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President. Madam President, men and women of the Senate. I would like to pose a question through the Chair to the Senator from Franklin, Senator Webster, who has raised concerns not only today, but on several occasions as well, both in this Chamber on the floor and also to the people of this state through printed materials to the media, as well as personal letters, if he could share with the members of the Senate as to what the annual cost today is of the Legislature within a million dollars.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Pray, as posed a question through the Chair to the Senator from Franklin, Senator Webster.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. If the good Senator from Penobscot, Senator Pray, would like to find that information out, I am sure that he could look in the budget, just as I could, to find that information.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President. Madam President, men and women of the Senate. I thank the Senator for his usual, typical type of answer to these things that he probably doesn't know. But as one who has a great deal of concern and a great deal of support for the Legislative system and the institution, I have in my tenure both as Presiding Officer and as a member of leadership and prior to being Presiding Officer, having served as Chair of the Legislative Council, stand before my colleagues today very proud of what I think I have accomplished on behalf of the members of the Legislature, and particularly the members of the Senate, which accounts for some of the increases in spending that the citizens of this state have seen in the Legislative Budget Account.

First of all, I think we need to step back even further to view what has been some of the causes for the cost in the accounts. First of all, the national government has determined, probably more so because of a deficit problem, that there are a number of programs that they traditional provided to the citizens of this state, they have now abandoned and have said that it is up to the states to finance and to find the financial resources to do these things. Not only had there been dollar passbacks to municipalities and one quick example that comes to mind is when the federal government abolished municipal revenue sharing monies, it was a cost of about twenty-five million dollars. To the state's credit, the state assumed and consumed that dollar amount and continue to give that to municipalities. So, overall state expenditures increased by twenty-five million dollars immediately, because we took that and said that it was not fair to pass that back to municipalities. That is just an example of how we insulated and protected the citizens of this state from this type of decision that was made in Washington, of returning tax dollars to provide assistance to the communities.

Basically, it was a reassessment, or readjustment, of those dollars to give it back to those communities across this nation in assumption that we needed to help all of the communities because we are one nation. In the Legislative Account, as additional responsibilities fell upon the Legislature, there were increased needs and we have attempted to meet those so that we have an informed Legislature. The Legislature elected by the people of this state and while I have heard time and time again what I consider to be derogatory comments to the majority party, let's remember who it is who put the majority party here. It was the people of the State of Maine. They are the ones, in individual elections. When they cast their vote for the Senator from Franklin, Senator Webster, they weren't saying that they wanted the Republican party to be the majority party, they wanted the Senator from Franklin, Senator Webster, to represent them. It is just as true when they did it in Penobscot County, Aroostook, Cumberland, York, and throughout the rest of the state, but they cast their ballots for individuals. Individuals who happen to be with certain political parties that met the way that these people felt. That is one of the great things about the democracy that we have in this state. As we have attempted to meet the needs of the people of this state, we have attempted to provide the Legislature with the proper tools. As Chair of the Legislative Council, as the majority leader, one of the quick assessments we had was that the State House was in disarray. The carpeting in this Chamber was taped to

the floor in several areas, because we were afraid that people were going to come in and trip over it. It had been carried through that for a couple of terms that I had served in the State Senate and not of which my party controlled this Chamber, but nevertheless, the Legislature, as a whole, had concerns about it.

The Legislative Council, unanimously, voted to take the money out of the Bureau of Public Improvements and put it into the Legislative Account to take care of the State House. For example, the constant painting and re-painting of this Chamber. We finally had the building sealed, so that as we sat here on a warm summer day, paint would not float down from the ceiling and land on someone's head or someone's desk as they were sitting there writing their notes to respond to comments or participate in debate. That cost about one million dollars, if I remember correctly. Because this is the state's building, it belongs to the people of this state, and this is where the state's business is conducted. That is one reason that the budget, as a State Legislature, increased, because we could no longer entrust it to the bureaucracy to take care of the people's building.

We also went through, as the Senator from Penobscot, Senator Pearson, as Chair of the Appropriations Committee, both from this Chamber and in his previous service in the House, having served in that capacity and having seen the changes that have taken place and seen the dramatic increases in insurances. When you have an opportunity, turn to the Maine State Government Annual Report and if you look at the categories and you take the last two reports, which happens to be the blue book and the cream colored book, and you look to see where the differences are in the increase in expenditures in state government, you find the categories that the Senator from Penobscot, Senator Pearson talked about.

You see a significant increase in the insurance categories, in the retirement, because of changes and the fringe benefits and those types of things that we basically have no control over because it is provided through the collective bargaining contract of state employees and we, as Legislators, receive that same type of benefit. A thirty-seven percent increase in insurance premiums is another reason that the cost of government has gone up.

In reference to this particular proposal that is before us, at this time, and the concerns about staffing. We have made some major changes through the Legislative Council, and again I believe unanimously in almost every single occasion that I can recall, I do not recall an instance when it was not unanimous, on beefing up. If you will, the Executive Director's office to provide services to the Legislature. The Revisor of Statute's Office, we have created an Oversight office, to provide oversight of the numerous rules and regulations that we hear people debate about in this Chamber and legislation is introduced because somebody wants to override a rule that was promulgated, an attempt for the Legislature to be a co-equal branch of government. When you do these things, they cost money, but you provide services to the people we are representing in the process. The office of Policy and Legal Analysis, we have increased that staff, because the committees are dealing with more and more Bills and more and more technical Bills all the time. The comments that I have heard throughout this Legislature from both sides of the political aisle, is the quality of the people we have today. It is not the same comments that I heard ten years ago when there were questions about the fact that we had

part-time people, it was a revolving door, people coming in and going out, people who were just here for the short term and then going out into the private market. I hear that the quality of the work that we are producing on behalf of the people of this state has increased tenfold, but that also costs money.

In reference to this Chamber, the Senate, which I probably have more say over than the Council, dealing with those items that serve the Legislature as a whole, because I am also concerned about comments that have been made in reference to that. I want to assure everybody, for the Record, that in the 113th Legislature the Senate had a Chamber staff and through the Secretary of the Senate's office, seventeen people. In the 114th Legislature, I have heard criticism that we have increased that. Well, the truth be known, we have fifteen people this year, we are working with two less and at times it has created some difficulties. It has slowed down the time in which amendments could be ready or the calendar could be ready. It has required more overtime or other additional types of work, but we made those types of adjustments to be sure that always the first consideration is that we provide the service to the members. That we have sufficient staff to make sure that when you look for an amendment, or a legislative document, or you need something done, that it is there. I also want to assure everybody, because I am sure that it won't be said anyway, that this staff has provided bipartisan support to every member of this Chamber. When a request has been made, they have been treated on the minority side the same as they have on the majority side.

I stand before you today taking blame or credit, which ever one you want to give. For example, the minority office. The minority office is what I had when I was the majority floor leader. When we were looking at redesigning space around here, trying to meet all needs. At that time the Senator from Cumberland, Senator Gill, was the assistant floor leader, and was in the old office where the minority office was and they were trying to redesign the room to maximize the space. We made the decision to trade spaces, to reassess the total space that we had. We moved the minority party from their office space into where the majority leader and the assistant majority leader used to have for space. Obviously, some could say that is a kind of partisan type of move. When I went from the assistant minority leader to the majority leader, the day before it happened, the then controlling staff removed the desks from the old majority office, because they had rounded corners on them, and moved them into the minority office. We could have been just as petty and moved them back the next day, but we didn't. We haven't been petty since. We have provided services to them to operate.

The concerns with the proposal before us is to say that we have some type of moratorium on the Legislature for hiring. First of all, it is a needless piece of legislation. It is a line I stole and I will give due credit to the Senator from Franklin, Senator Webster, who constantly stands up and says, 'this is a Bill that is needless, this is a Bill that we don't need, and my folks back home don't like the idea that we are spending money, wasting taxpayers dollars, printing such foolish pieces of legislation'. There is no intent of this Presiding Officer of increasing the staff in this Chamber. There is no known plan in the Legislative Council, which he is a member of either. There is no plan for increasing the staff in the Revisor's office, in the office of Policy and Legal Analysis, in the Fiscal

office, though there is legislation pending to create a little bit more of a financial oversight of the budgetary process, which probably would call for additional staff, but that hasn't gone through the legislative process yet and that is not a decision being made by the Council. That is a statutory change, which this Bill would have no effect over.

If you look at the 1987-88 Annual Report, let me just share with you; in 1987, the legislative budget was eleven million, two hundred and fifty-nine thousand, three hundred dollars. In 1988, that was twelve million, three hundred and forty-three thousand, and forty-nine dollars. Approximately a one million dollar increase. If you go through it and you go down the categories, as to where those expenses rise, it would explain to you the growing costs. But when you looked at it as a composite of the overall state budget, you will find that it is under the increase that has existed in the overall state budget and it is still the same percentage of the overall state budget as it was more than a decade ago, approximately one tenth of a percent of the total budget. I think that the assurances that the check and balance system, the form of government that we have in this country as well as in this state, is well served by that service for that cost. For God knows how long in AMHI, or appointments to P.U.C. Commissioners, like Dr. Perl, who is a respected individual, but obviously had a great deal of conflict of interest having come out of the utilities area to serve. The role of the Legislature is a check and balance process. You need to assure that it can function and compete with the administration branch of government as well. It doesn't make a difference which political party controls the Legislature, the role and the responsibility of the Legislature is a check and balance role, it is not a rubber stamp role, though there are some who would advocate that would be beneficial.

The last thing that I want to bring to you attention and I will share it with the Republican members of this Chamber, because it has been shared with the Democratic members already, is a letter that was sent out by the minority leader to the Senate Republican Leadership to: "Dear Fellow Conservatives". In which the Senator from Franklin, Senator Webster, talks on the fund raising effort of raising money to turn out the Democratic control because the Democrats are known throughout this country as being anti-business and pro-spending. The Senator from Franklin, Senator Webster, in his comments, talked about these trying times of financial difficulties. The last time I looked at the Governor's budget, a budget that he proposed, for a hundred and fifty some odd million dollars additional spending, with his announcements of shortfalls of revenue projections, his budget is still proposing almost a ninety-six million dollar increase in spending. Let's not lose focus that revenues are still coming in over where they were a year ago and that the federal government is passing back programs in a wholesale fashion. One prime example is day habilitation for the mentally ill, eight million dollars additional spending that is going to be forced upon the state. The Governor of this state, along with Legislative leaders have made a commitment to fund that, but it is an additional eight million dollars worth of expenditures. This administration has proposed increases in spending far greater than any pervious administration, Republican, Democratic, or Independent. Let's not lose focus. As spending and responsibilities are shifted to the state level, responsibilities and obligations to the people of this state shifts to those of us who are

elected to represent them. Either we need the tools to represent them to be the check and balance, to legislate, or we need a budget which just allows us to come down here and rubber stamp. If that is what the proposal is, the constant attacks that the Legislature is irresponsible, big-spenders, then I think you are doing a disservice to the very people who last November elected you. They want responsibility and they don't want wasteful spending, they want accountability for every tax dollar that we pass, and I think everyone of us have that responsibility. When we go back to our constituency and when we go back to the public as a whole, we have to tell them how we responded. I would like to thank the few Republicans who decided to stay in the Chamber to hear the comments.

But, I would like to state that I think this piece of legislation is a waste of Legislative time and Legislative expense. I think that it is politically motivated, only intended to sit there and say, 'well because they voted against it, then they were advocating additional spending and increase staff and all of that'. I think it is ridiculous, I think it is needless and I think it just shows the pettiness of some people.

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

Senator GAUVREAU: Thank you Madam President. Madam President, men and women of the Senate. I would like to take this opportunity to amplify the remarks of my colleague, the Senator from Penobscot, Senator Pray. I think all of us have been very concerned during the course of this Legislative Session with the increasing acrimony tension and irrational partisanship which has manifested itself in certain quarters of this building. Like many of you, this Session for me has been exhausting, emotionally, physically, and intellectually. My friend and seat mate, the Senator from Cumberland, Senator Dillenback, often times good-naturedly charged me on why I am serving in this Body rather than spending all of my time back in my community in my practice of law with my family. He has raised a legitimate question, but for me I am very comfortable with the responsibility I am discharging here. I am honored to be in this Legislature and for me, I grow emotionally and spiritually as I serve my fellow men and women.

The Human Resources Committee, this year in particular, has had extensive work responsibilities. We have met literally every day of the Legislative Session and many evenings as well. Our responsibilities are truly complex. We have a very intricate system of hospital finance which we routinely oversee, monitor, and change as situations in our state demand. We also have major responsibilities in such areas as mental health, welfare, and a whole range of social and human services.

Beginning in the early 1970's, under leadership of then President Nixon, this country made a historic decision, a new federalism, whereby the states would reassert their appropriate role in our federal system of government and the states would take on additional responsibilities. Clearly, in Maine we have done an exemplary job in discharging those responsibilities due to the leadership of men and women in both the Republican and Democratic parties. Maine has authored truly progressive, innovative, and responsibility legislation in environmental protection, in human services and welfare reform, and in health and safety. We are, despite our small size from a demographic point of view, viewed throughout the country as a leader in many policies of

government. There is a reason for that, it is because of the uncommon dedication and the nonpartisan tenor by which men and women have served in our Legislature.

I have become increasingly concerned, during the course of this year as I perceive a change, in the way in which politics in state government in Maine is played out, that we have replaced reasons with rancor and rhetoric too often. Reciprocity is subordinate to cynicism and political courage and commitment often times gives way to political expediency. Without question, we will not be able, as a people, to respond responsibly to the urgent challenges which beset us today in a variety of disciplines, health care, solid waste disposal, environmental protection, educational reform, and appropriately crafting a tax structure which is truly equitable to all people, all residents of our state, private and corporate.

We will not be able to do that job responsibly unless we tone down the rancor, we end these political games, we react, respond and behave responsibly. It is clearly time to interrupt the election of 1990 so that we can have a Legislative Session.

I have been very impressed, very impressed, by the quality and the integrity of the men and women who have come before my Committee this year, especially in the area of health care. I have seen people representing a variety of disciplines and a variety of interest groups, show true leadership, truly work in a collegial environment to fashion responsible legislation. Even though that might be unpopular before their various groups they represent, because they recognize that it is time for us to work together, to share our responsibility. It is very distressing for me, in the midst of this excellent work product which is coming from my Committee, to come down to the Senate floor and to observe this simplistic gaining. It is very discouraging and I think as was evident, to the remarks of my friend and colleague from Penobscot, Senator Pearson, that it is truly insulting to the people of this state. We have a variety of very serious problems we have to address. If we have to disagree, let us disagree on issue of substance. We serve no one's interest and belittle all of ourselves, we belittle Maine State government, when we take the people's time and money debating issues such as this.

I have faith that the people of Maine will elect and will send to their state capitol, public officials who will rise above the transient demands of partisanship, who will truly respond to the public will and the public good. It is truly time for us to get the business at hand. I would hope that after this colloquy today, we would get down to the business of government and put this Bill to its prompt and ready demise. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT 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.

15 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 16, 1989

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

The House voted today to adhere to its former action whereby it accepted the Report "A" "Ought Not to Pass" Report of the Committee on Marine Resources on Bill "An Act to Amend the Nonresident Clam Digging Laws" (H.P. 620) (L.D. 843).

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

Which was READ and ORDERED PLACED ON FILE.

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 Increase the Penalty for Destruction of Law Enforcement Canines"

H.P. 1092 L.D. 1525
(C "A" H-487)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487) AS AMENDED BY HOUSE AMENDMENT "A" (H-570) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Establish the Bureau of Juvenile Corrections"

H.P. 1147 L.D. 1590
(C "A" H-496)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496) AS AMENDED BY HOUSE AMENDMENT "A" (H-569) thereto, in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing

H.P. 1255 L.D. 1754

In Senate, June 14, 1989, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-537) 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

Ought to Pass in New Draft under New Title

The Committee on LABOR on Bill "An Act to Require a 90-day Delay in the Hiring of Replacement Workers during a Labor Dispute"

H.P. 663 L.D. 905

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Ensure a Cooling-off Period before the Hiring of Permanent Replacement Workers during a Labor Dispute"

H.P. 1259 L.D. 1756

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE READ TWICE and PASSED TO BE ENGROSSED, 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 Making It Illegal to Possess Lobsters Caught Illegally

H.P. 693 L.D. 945
(S "A" S-261)

An Act to Enhance the Status of Vocational-technical Education in Maine

H.P. 815 L.D. 1127
(C "A" H-507)

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

H.P. 826 L.D. 1158
(C "A" H-336; S "A" S-258)

An Act Concerning Substance Abuse Treatment for Probationers

H.P. 1153 L.D. 1607
(C "A" H-513)

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

An Act to Reduce the Potential for Violence During Labor Disputes

H.P. 292 L.D. 404
(C "A" H-417; S "A" S-262)

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

An Act to Clarify the Definition of State Employee under the State Employee Labor Relations Act

S.P. 442 L.D. 1195
(C "A" S-269)

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

Senator WHITMORE: Thank you Madam President. Madam President, men and women of the Senate. I think that we have spent a fair amount of time on this in debate the other day. I still am opposed to this Bill passing.

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

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

Senator BUSTIN: Thank you Madam President. Madam President, men and women of the Senate. When the Roll is taken, I would hope that you would vote for this Bill, seeing as we have discussed this a number of times. What we are really talking about it making some state employees in major policy-influencing positions a political appointment subject to political pressures. All we are trying to do in this Bill is take out a phrase that seems to be ambiguous. That phrase is, "substantially participate in the formulation and effectuation of policy." Let me tell you of some of those positions that are alleged to substantially participate in the formulation and effectuation of policy. Remember our pay ranges in state government go all the way up to range ninety-one or ninety-two, I am not exactly sure how far those ranges go. One of those would be a Clerk IV. A Clerk IV alleged to substantially participate in the formulation and effectuation of policy. That is a range fifteen. Accountant II, range seventeen, a Plant Psychologist, range twenty-six, Baxter Park District Ranger, range twenty, Compliance Officer, range twenty-five. Do we really want a compliance officer subjected to political pressure? I think not. Employment and Training Specialist, range twenty-five, Affirmative Action Officer, I don't want them exposed to political pressure, range twenty-one. That is what we are talking about here and I think what we need to do is pass this Bill and get on with the rest of the business of the Legislature. Thank you.

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

Senator WHITMORE: Thank you Madam President. Madam President, men and women of the Senate. Under this Bill, high level management employees would become members of bargaining units represented by unions.

It is essential that positions clearly aligned with management be kept confidential. The state is entitled to the undivided loyalty of this management group of individuals. Those people are entitled to be free from potential conflicts of interest. If this Bill is passed, employees with a substantial responsibility for developing and implementing the state's policies could be bargaining for the union against the state.

It is worthy of note that under the existing laws, these confidential positions in the classified service have all the protections of the Civil Service law and rules, including cause protection. Further, they are not patronage jobs, but must be filled pursuant to the Civil Service examinations and system. Finally, this Bill would also be extremely detrimental to the state, because it would require the state to go to the Maine Labor Relations Board before creating any new confidential classifications. This system would be entirely unworkable. Only after a lengthy M.L.R.B. hearing process could the positions and new classifications be established, approved by budget and the recruitment efforts begin. This is in conflict with the state's need to fill positions as quickly as possible. This system is not remedied by Committee Amendment "A", despite the language of the Amendment, a position cannot be established or approved until the bargaining unit or confidential status is determined. Again, I strongly urge you to vote against the pending motion. Thank you.

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

Senator MATTHEWS: Thank you Madam President. Madam President, men and women of the Senate. First of all, I appreciate the fact that the vote didn't come on this Bill while I was not in the Chamber. Let me set the Record straight. The good Senator from Androscoggin, Senator Whitmore, is incorrect in his statement. This does not take anyone presently that isn't already in a bargaining unit. These are employees who are already employees of the state that are in the bargaining unit that are now in a state of limbo, because of additional language that changes the ball game for these employees. We are talking about classified state employees that want to do a good job, that have done a good job for the state, that we are proud of. That are here when we are not here in the summer and through the rest of the year, that are doing a good job for the state, not partisan or siding with any one side, but doing a good job for the people of the State of Maine as state employees. Members of bargaining units that have now been thrown into a state of limbo by a change of the law. I really do not appreciate comments that the Maine Labor Relations Board is not the proper body to make the decisions about new employees. Why do we have a M.L.R.B.? They should be the one involved in these questions. This language was put on under another administration, it was wrong then and it is wrong today. I urge the members of the Senate to hold to their previous vote and to join with the majority in this Chamber in voting for this good law. Thank you.

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

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, DUTREMBLE, ERWIN, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, WEYMOUTH, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, PERKINS, RANDALL, WEBSTER, WHITMORE

ABSENT: Senators ESTES, LUDWIG

20 having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Bill "An Act to Establish the Bureau of Juvenile Corrections"

H.P. 1147 L.D. 1590
(C "A" H-496)

Tabled - June 16, 1989, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496), in concurrence.)

(In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496) AS AMENDED BY HOUSE AMENDMENT "A" (H-569) thereto, in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

Senate called to order by the President.

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 Budget to Fund a Position in the Department of Environmental Protection to Review Hydropower Applications

H.P. 748 L.D. 1052

(C "A" H-505)

An Act Relating to Certain Proprietary Information of Insurance Agents and Brokers

S.P. 519 L.D. 1426

(C "A" S-263)

An Act to Amend the Mandatory Shoreland Zoning Law

S.P. 585 L.D. 1647

(C "A" S-267)

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

S.P. 600 L.D. 1677

(H "A" H-511 to C "A" S-243)

An Act to Amend the Lobster and Crab Fishing License Law

H.P. 1215 L.D. 1687

(S "A" S-278 to C "A" H-459)

An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance

S.P. 611 L.D. 1705

(C "A" S-282)

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:

An Act Dealing with Removal of Dislodged Lobster Gear

S.P. 419 L.D. 1130

(H "A" H-516 to C "A" S-234)

An Act to Amend the Liquor Laws Relating to Wine Tasting

S.P. 485 L.D. 1327

(S "A" S-271 to C "A" S-252)

An Act Relating to Returned Check Charges

S.P. 498 L.D. 1372

(C "A" S-283)

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

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

S.P. 90 L.D. 95
(S "A" S-272)

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

An Act to Clarify the Law Concerning Retired Teachers' Health Insurance and to Compensate Retired Teachers Who Are Ineligible for That Insurance

S.P. 337 L.D. 898
(H "A" H-480 to C "A" S-221)

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

An Act to Establish a State Arbitration Program for Lemon Motor Vehicles

S.P. 517 L.D. 1413
(H "A" H-500 to C "A" S-222)

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

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

ENACTORS

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

Resolve

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

S.P. 617 L.D. 1712
(C "A" S-284)

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 Authorize a Cooperative Agreement for the Construction and Operation of a Vocational Center Located in School Administrative District No. 33

H.P. 1171 L.D. 1625
(C "A" H-482)

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

Emergency

An Act Modifying the Territory of the Lucerne-in-Maine Village Corporation

S.P. 628 L.D. 1722

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire

elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was

presented by the Secretary to the Governor for his approval.

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 Resolve

Resolve, to Establish a Commission to Study Town Supervision of Private Roads

H.P. 950 L.D. 1318
(H "A" H-488 to C "A" H-386)

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

Emergency Resolve

Resolve, to Establish a Charter Commission to Review Androscoggin County Government

S.P. 523 L.D. 1430
(C "A" S-285)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on TAXATION on Bill "An Act to Reduce the Amount of Materials from the Waste Stream by Encouraging Recycling"

H.P. 27 L.D. 25

Senate

Ought Not to Pass

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Private, Individual Sewerage Facilities Construction"

S.P. 73 L.D. 63

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish an Affordable Housing Demonstration Program"

S.P. 315 L.D. 820

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Low-income Housing"

S.P. 483 L.D. 1325

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PRAY for the Committee on UTILITIES on Bill "An Act to Create the Deer Isle Water District" (Emergency)

S.P. 629 L.D. 1723

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-319).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-319) 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.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

NOMINATION - of James D. Harrington of Winthrop, for appointment to the Harness Racing Commission.

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, June 16, 1989, Communication from the Committee on AGRICULTURE READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of James D. Harrington of Winthrop, for appointment to the Harness Racing Commission, be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator WEYMOUTH
 No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of James D. Harrington, for appointment to the Harness Racing Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Richard B. Olfene of Auburn, for appointment to the Maine State Liquor Commission.

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, June 16, 1989, Communication from the Committee on LEGAL AFFAIRS READ and ORDERED PLACED ON FILE.)

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. Before we vote on this nomination before the Body today, I did want to take just a minute to state that we, the members of the Legal Affairs Committee, voted unanimously in favor of this confirmation today of Mr. Olfene. He appears to have the kind of credentials and qualifications that will serve the citizens of the state well on the Maine State Liquor Commission.

His concerns and statements before the Committee expressed, I think, strong support for the state with respect to marketing and selling of alcoholic beverages and also being extremely concerned about state control of liquor purchases and sales and distribution in the state and the efforts that have been made by administrations of both parties over the last few years and this Legislature to keep those commitments. One has to also state strongly the efforts of the current Director, Guy Marcotte. It was interesting that Mr. Olfene mentioned that his first association with Director Marcotte was in this Chamber. Both of them served as Senators here in this Body and served the citizens of the state. I am pleased with this nomination today and I urge confirmation by this Body of Mr. Olfene to continue the good efforts made by the Liquor Commission and certainly the good efforts being made on our behalf of the citizens of the state by the Director, Guy Marcotte. Thank you Mr. President.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Richard B. Olfene of Auburn, for appointment to the Maine State Liquor Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LEGAL AFFAIRS be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY,

LUDWIG, MATTHEWS, PEARSON, PERKINS,
 RANDALL, THERIAULT, TITCOMB,
 TWITCHELL, WEBSTER, WHITMORE, THE
 PRESIDENT - CHARLES P. PRAY

ABSENT: Senator WEYMOUTH

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Richard B. Olfene, for appointment to the Maine State Liquor Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Michael V. Rizzolo of Lewiston, for appointment to the Maine State Lottery Commission.

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, June 16, 1989, Communication from the Committee on LEGAL AFFAIRS READ and ORDERED PLACED ON FILE.)

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 certainly do plan to vote in favor of this nominee, but I thought it was an appropriate time to rise and thank my good friend and constituent Peter Gorman, for serving on the Lottery Commission since its inception. When the Lottery began, many people throughout the state had grave doubts as to its success and if it would clearly have a proper place within state government. Indeed, it has. It has gained great credibility over the years and has provided revenues as well as a source of game for the people of the State of Maine. I think a great deal of credit should go to Peter Gorman, the only person who has served on it all these years, certainly over a dozen, in developing, in his own way, a kind of a public image of credibility and a gentlemanly positive image. At this time I just wanted to say thank you to Peter Gorman.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Michael V. Rizzolo of Lewiston, for appointment to the Maine State Lottery Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LEGAL AFFAIRS be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE,
 BOST, BRANNIGAN, BRAWN, BUSTIN,
 CAHILL, CARPENTER, CLARK, COLLINS,
 DILLENBACK, DUTREMBLE, EMERSON,
 ERWIN, ESTES, ESTY, GAUVREAU, GILL,
 GOULD, HOBBS, HOLLOWAY, KANY,
 LUDWIG, MATTHEWS, PEARSON, PERKINS,

RANDALL, THERIAULT, TITCOMB,
 TWITCHELL, WEBSTER, WHITMORE, THE
 PRESIDENT - CHARLES P. PRAY

ABSENT: Senator WEYMOUTH

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Michael V. Rizzolo, for appointment to the Maine State Lottery Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

SENATE REPORTS - from the Committee on LABOR on Bill "An Act to Promote Prompt and Peaceful Settlements of Labor Disputes"

S.P. 385 L.D. 1021

Majority - Ought to Pass As Amended by Committee Amendment "A" (S-296)

Minority - Ought Not to Pass

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator ESTY of Cumberland to ACCEPT Majority Ought to Pass As Amended Report

(In Senate, June 16, 1989, Reports READ.)

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. The Amended version of the Bill, as proposed, actually requires because it inserts the word shall. The Governor under existing law, can currently appoint a fact-finding team at any time should the necessity arise. This legislation, as Amended, now states that if any party to the labor dispute so requests of the Governor that he shall appoint the Committee. Fact-finding and mediation are already available to parties from the Maine Labor Relations Board and they certainly are better equipped and more experienced to perform the function. I would urge you to vote against the pending motion.

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

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill says that if there is a strike over six weeks and either party, management or labor, requests from the Governor that he appoint a fact-finding team to help the situation, then he will appoint a fact-finding team. This is not a labor Bill or a management Bill, this is a neutral Bill, in the sense that either party may request that the Governor and the administration get involved to help in a potentially destructive situation.

The Governor does have the authority to do this now, that is true. He has chosen not to use that authority in this state. In the last two years we have had a number of very, very painful strike situations. The Governor has not chosen to become involved in those situations through this process.

The purpose of this Bill is to assist parties in helping to resolve the disputes that they have. We would like the administration to get involved in these situations when either party asks. That is all this Bill does. Thank you very much.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, HOBBS, KANY, MATTHEWS, PEARSON, TITCOMB

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, THERIAULT, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator WEYMOUTH

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report. FAILED.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ESTY for the Committee on LABOR on Bill "An Act to Continue the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 606 L.D. 1700

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-322).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-322) 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.

On motion by Senator ESTY of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on LABOR on Bill "An Act to Promote Prompt and Peaceful Settlements of Labor Disputes"

S.P. 385 L.D. 1021

Majority - Ought to Pass As Amended by Committee Amendment "A" (S-296)

Minority - Ought Not to Pass

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 16, 1989, Reports READ. The motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED.)

Senator THERIAULT of Aroostook, moved to RECONSIDER whereby the motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED.

Senator WHITMORE of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator THERIAULT of Aroostook, to RECONSIDER whereby the motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED.

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator THERIAULT of Aroostook, to RECONSIDER whereby the motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED, PREVAILED.

THE PRESIDENT: The pending question before the Senate is to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-296) 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 BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish a Budget Committee for Kennebec County"

S.P. 592 L.D. 1669

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-323).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-323) 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:

ENACTORS

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

An Act to Amend the Laws Relating to Sex Offenses

H.P. 763 L.D. 1067

(C "A" H-503)

Which was PASSED TO BE ENACTED.

On motion by Senator BRANNIGAN of Cumberland, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENACTED.

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (6/15/89)

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

H.P. 970 L.D. 1348
(C "A" H-518)

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

Pending - Motion of Senator BUSTIN of Kennebec to RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED

(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).)

On motion by Senator CLARK of Cumberland, 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" (H-518).

On further motion by same Senator, Senate Amendment "A" (S-304) to Committee Amendment "A" (H-518) READ and ADOPTED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-305) to Committee Amendment "A" (H-518) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The Amendment that I have just offered is just a fiscal note to the Bill. It is not a fiscal note, per se, it is just that there will be no fiscal note, because the Heart and Lung Association is going to provide the paperwork to the different departments. That has been approved by the Fiscal office of the Legislature.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-305) to Committee Amendment "A" (H-518) ADOPTED.

Committee Amendment "A" (H-518) as Amended by Senate Amendments "A" (S-304) and "B" (S-305) 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.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (6/15/89)

Bill "An Act to Strengthen Maine's Restaurant Smoking Law"

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

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

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

(In Senate, June 14, 1989, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.)

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

Senate called to order by the President.

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

The Senator from Penobscot, Senator Baldacci, had asked Leave of the Senate to be excused from voting, due to the appearance of a conflict of interest. It is in the opinion of the Chair, that because the Senator does not own stock or is an individual who would personally profit or bear a cost, but fits into a class of occupation or category, therefore he would not have a conflict of interest.

Senator WEBSTER of Franklin requested a Division.

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

A Division has been requested.

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

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

21 Senators having voted in the affirmative and 8 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

Senator WEBSTER of Franklin requested a Division.

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

A Division has been requested.

Will all those Senators in favor of ENACTMENT, please rise in their places and remain standing until counted.

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

29 Senators having voted in the affirmative and 1 Senator having voted in the negative, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator BRANNIGAN of Cumberland, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following matter:

An Act to Amend the Laws Relating to Sex Offenses
H.P. 763 L.D. 1067
(C "A" H-503)

Tabled - June 16, 1989, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENACTED. Subsequently, RECONSIDERED ENACTMENT.)

(In House, June 16, 1989, PASSED TO BE ENACTED.)

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

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 Resolve

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine

S.P. 561 L.D. 1564
(C "A" S-266)

Senate at Ease

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

Emergency Resolve

Resolve, to Provide for the Evaluation of Fire Safety Standards in Buildings Occupied by State Workers

S.P. 583 L.D. 1645
(C "A" S-275)

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 FINALLY PASSED 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:

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 16, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Virginia S. Spiller of York, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10
NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Virginia S. Spiller of York, for appointment to the State Board of Education be confirmed.

Sincerely,

S/Stephen C. Estes Senate Chair
S/Nathaniel Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Virginia S. Spiller of York, for appointment to the State Board of Education, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator WEYMOUTH

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Virginia S. Spiller, for appointment to the State Board of Education, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

On motion by Senator ESTY of Cumberland, 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

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on MARINE RESOURCES on Bill "An Act to Allow the Board of Harbor Commissioners for Portland Harbor to Charge Service Fees"

S.P. 404 L.D. 1048

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-324).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-324) 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

House

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Create a State Fund to Provide Workers' Compensation Insurance Coverage to Employers"

H.P. 952 L.D. 1320

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-578).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-578) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on EDUCATION on Bill "An Act Concerning the Teaching of Cosmetology"

H.P. 1126 L.D. 1569

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-583).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-583) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding State Forest Practice Laws"

H.P. 315 L.D. 429

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-573).

Comes from the House, with Bill and Accompanying Papers COMMITTED to the Committee on TAXATION.

Which Report was READ and ACCEPTED, in concurrence.

The Bill and Accompanying Papers COMMITTED to the Committee on TAXATION, in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit Dumping Waste on Sebago Lake"

H.P. 1060 L.D. 1482

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-574).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-574).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-574) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Relating to Transportation of Hazardous Materials by Railroad"

H.P. 1231 L.D. 1716

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-580).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-580) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Boating and Other Water-based Activities"

H.P. 59 L.D. 80

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-579).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-579) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Establish the Commission to Study Foreign Ownership and Investment in Maine Land and Business

H.P. 735 L.D. 1012

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-582).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-582) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on HUMAN RESOURCES on Bill "An Act to Revise the Medical Examiner Act"

H.P. 905 L.D. 1262

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-584).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-584) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System"

H.P. 1176 L.D. 1630

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-586).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-586) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on LEGAL AFFAIRS on Bill "An Act Regarding the Training Costs of Police Officers"

H.P. 1136 L.D. 1579

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-585).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-585) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Municipal Limit for School Debt" (Emergency)

H.P. 927 L.D. 1293

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-587).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-587) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules" (Emergency)

H.P. 1144 L.D. 1587

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-588).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-588) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Definition of Freshwater Wetlands in the Natural Resources Protection Act"

H.P. 129 L.D. 173

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-603).

Signed:

Senators:

KANY of Kennebec
ERWIN of Oxford
LUDWIG of Aroostook

Representatives:

DEXTER of Kingfield
GOULD of Greenville
JACQUES of Waterville
SIMPSON of Casco
ANDERSON of Woodland
LORD of Waterboro
COLES of Harpswell
MICHAUD of East Millinocket
HOGLUND of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-604).

Representative:

MITCHELL of Freeport

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-603).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-603) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-603) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Strengthen Land Use Management in Maine's Unorganized Territories" (Emergency)

H.P. 183 L.D. 248

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-571).

Signed:

Senators:

KANY of Kennebec
ERWIN of Oxford
LUDWIG of Aroostook

Representatives:

MITCHELL of Freeport
SIMPSON of Casco
HOGLUND of Portland
JACQUES of Waterville
COLES of Harpswell
MICHAUD of East Millinocket

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-572).

Signed:

Representatives:

DEXTER of Kingfield
LORD of Waterboro
GOULD of Greenville
ANDERSON of Woodland

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-571).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-571) READ.

On motion by Senator WEBSTER of Franklin, Senate Amendment "A" (S-325) to Committee Amendment "A" (H-571) READ and ADOPTED.

Committee Amendment "A" (H-571) as Amended by Senate Amendment "A" (S-325) thereto, ADOPTED in NON-CONCURRENCE.

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

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

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a Bond Issue in

the Amount of \$5,000,000 to Provide Funds for the Development of Affordable Housing"

H.P. 1204 L.D. 1674

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for a Low-interest Loan Program for Sewerage System Access or Septic System Replacement"

H.P. 1049 L.D. 1460

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 LABOR on Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals"

H.P. 481 L.D. 661

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-563).

Signed:

Senators:

ESTY of Cumberland
MATTHEWS of Kennebec

Representatives:

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

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
TAMMARO of Baileyville

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-563).

Which Reports were READ.

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

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. This is the Bill that you probably all received oodles of phone calls, cards, and letters, not fan letters either I guess, with regard to video display terminals. L.D. 661, in its Amended form, is a very inappropriate and expense way to address a few complaints from the V.E.T. operators. We had, during our hearing which lasted about four or five hours, several professionals in the field. Medical people that were from large corporations that in the past have had the opportunity, maybe those that were early companies that were into video display terminals and they have had the opportunity, having heard some of the complaints that were alleged during the hearing about failure of eyes, the equipment not being movable, or adjustable. The Amended version requires that most companies today that have video display terminals, would be required to scrap their equipment in favor of movable, or adjustable tables. There really has

not been a significant amount of research to prove or disprove the allegations that are being made.

Throughout this discussion and debate in Committee, it was my opinion and members of the minority that signed the report out, since no State Legislature in the United States, no State Legislature, has passed V.D.T. legislation that we walk quietly and softly in this area. Does it present a health problem? There is no evidence of that. We had two ophthalmologists and two MD's testify at the hearing, the ophthalmologist said that frankly as designed in the legislation, that people traipsing to their office for eye examinations just because the legislation said once a year they are entitled to have paid time to go to the doctors to have that done, was nothing that they really wanted to see and that they were already much too busy solving eye diseases and loss of eyesight, related to age and other things. As I looked around the Committee room that day and around the Committee table, I saw a whole Committee, except one, and I think that person happened to be my good colleague from Cumberland, Senator Esty, without glasses on. We determined that it was probably appropriate for anyone over forty years of age, or pretty close to everyone, to wear glasses. For the most part, that is pretty much what the ophthalmologist had said, that eye loss or vision loss is not due so much to eye strain, although glasses will help with eye strain, but that disease and age were the two prominent factors in loss of sight, or lessening of perfect sight. Although that seemed to be one of the major allegations, another one of the allegations, of those people that testified for the legislation, was that the strain caused from sitting at these terminals and without any breaks and state law already says that every employee will receive a thirty minute rest break for every six hours of work. We debated that long and hard. Should it be fifteen minutes or ten minutes every two hours, or how it should be handled in the course of a day. But, most of the companies that they were talking about and those were basically the larger employers that would have someone sitting at a terminal everyday, all day, eight or ten hours a day, had into their schedule ample break schedule and a break schedule that conformed with the law.

It seemed that some of those people, particularly those from the telephone company said, 'yes, but if it is a real busy holiday, Mother's Day or Christmas, when the phones are really ringing sometimes they weren't scheduled exactly for the same break time or adequate break time that they thought was an adequate break time. It would appear that at the end of all the testimony, at least to me, that much of the complaint came from the same thing that you would get sitting at your desk through an eight hour period in one position, that you might have a neck cramp, you might have tired eyes. I know a lot of times I have tired eyes at the end of day if I am sitting there reading all day long or working with figures. I believe that those are the same types of problems that they are having. No one has really identified the problem. We asked the Department of Labor, 'how many complaints have you had? How many claims have you had filed?' Their response was that they didn't segregate those, put they really couldn't put their finger on them either.

It would seem to me that before we mandate a lot of changes with regard to equipment for something that really hasn't been identified as a problem yet, if it isn't broken, don't fix it, comes to mind when I talk with regard to V.D.T.'s. I think that one of the proposals that was mentioned was perhaps the

Department of Labor, in looking at their workers' compensation claims, it might be appropriate that they look at that for a year or two and see what kind of complaints we are getting and whether they are valid. Do a study and then address it. It would seem to me that combined with education, because I can tell you that in my own office, which we have about twelve V.D.T.'s, that the appropriateness of glare from the lights overhead, back window glare, could even be the glare. One of the people who testified from IBM said it could even be a person wearing a white blouse or white shirt with the light hitting it inappropriately would reflect off the screen and really end up causing some strain. Strain in that it would be discomfort and perhaps aggravating. But no where, at any time, did we hear anything that would indicate to me that there is a problem that we must address with this piece of legislation, as currently Amended.

It was my understanding, at one point anyway, that there was to be an Amendment offered, which I did not hear, that is why I am on my feet, to try to explain to you and tell you that the Committee did not treat this one lightly. There was a lot of discussion, there was a lot of input, I have a file here that is about an inch and a half thick and I believe that with appropriate education and some of these companies are light years ahead of the normal company. If you are looking at an IBM or a Digital, or a Unum, someone that has just a whole multi-floor building with V.D.T.'s in there, that they are currently looking at the problem, they haven't ignored the problem. We have booklets here that say how to use them, the type of equipment. If you are complaining about a backache, the V.D.T. didn't cause the backache, it is either the way you were sitting, not everyone has perfect posture sitting in a chair, nor walking, nor standing. All of these things enter into it of why one might have a sore back or work for four hours steady and end up with their head cocked on the side. That is not the V.D.T. problem.

So, I would ask that you vote against the pending motion. I think that the Department of Labor now is aware based on the discussion that at least better records will be kept so that we can look at this perhaps down the road. But, currently there are states that had V.D.T.'s long before they ever reached the State of Maine, and in much larger quantities then are in the State of Maine today, and yet no State Legislature has seen fit to enact this type of legislation. I encourage you this time on L.D. 661 to go with the Minority Report.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Androscoggin, Senator Whitmore, has made a number of valid points. I do plan to address those in the next few minutes. There are a number of comments that I would like to make in regards to the process that we went through. My comments have generally been rather brief, regarding the Labor Committee Bills, and right to the point, but this is such an important, critical issue, that I would like to spend a few extra minutes tonight discussing this.

First of all, the original Bill that was printed, L.D. 661, in my view and in the Labor Committee's view, was an extreme, broad based Bill, unfairly and perhaps irresponsibly over burdened employers throughout the state, both large and small. It also over reacted to what is, without a doubt, a real concern with too many premature work station mandates. There is no question. Many of us in this Body received a great number of letters and or

telephone calls reacting negatively to the original Bill, so did I. I also agreed with their reaction to the original Bill. That Bill was too excessive and would have been too expensive for many good solid companies in our state. As responsible lawmakers, the Labor Committee could and did not allow that to occur.

The Labor Committee instead decided to address the issue in a very basic way. We didn't want to draft a law that would be obsolete because of changing standards. We didn't want to draft a law that was going to hit small or large businesses hard in the wallet. But, we did want to acknowledge with some conceptual language that there was a potential cause for real concern here concerning video display terminals that needed to be addressed in a fundamental way. We were specific in some areas, the reason for that specificity was to be as narrow as possible, or to allow as much discretion as possible, to the employer. We wanted to be sure that we did not cause any undue economic hardship. With the Amended version of this Bill, we haven't.

There will be an Amendment at second reading, because that is the process, that will address two areas that I still had slight reservations on after the Bill came out. Just to be absolutely sure that we were not going to cause any undue economic hardship. Senator Matthews, of Kennebec, will be offering that Amendment at the appropriate time. In fact, when we worked this Bill in the Labor Committee, we went through it section by section, with the entire Committee agreeing, compromising, on each and every section, working together. We came down to two areas of difference.

The minority on this Report then decided that even if the majority gave on those two, they still couldn't go for it, for vague philosophical reasons. So, those two areas were left in. I decided and Senator Matthews decided, that the responsible thing would be to be sure that even those two areas, the last two areas of concern, working the Bill in Committee, were addressed. That Amendment will address those last two areas.

Specifics of the Bill, which we will hear much more about. Who does the Bill intend to help very narrowly? People whose primary task is to operate a terminal for more than four consecutive hours, exclusive of breaks on a daily basis. Not cashiers, not people who stand up and do things, not secretaries who answer the phone, people who sit there for four consecutive hours and do nothing but work in front of a V.D.T. and enter data. That is it, very narrow in perspective. What does it do? We will talk about more of the specifics, but generally it says that there is a concern about eyes and eye strain, it is not conclusive. The Amendment and the Bill will say that every two years an employer ought to allow an employee to go get an eye test that the employee pays for and it is unpaid leave from work. The employer doesn't have to pay for the time. The employer doesn't have to pay for the test. This just allows the employee to leave work, tremendously restrictive.

It also says things like you must have, after two hours, a fifteen minute work break or reassign the person working after two hours to some other suitable work within the area. It is not necessarily a rest break, although it certainly could be, it could be answering the phone, or filing, or doing a number of things. I would like to point out that the language was recommended by one of the minority people and the majority bought that language and said, 'okay, if that is what you want for language, if you think it is better, we will take it'. But it is not just a

rest break. Do any of us here want people sitting in front of a V.D.T. entering data, at ten thousand pieces potentially per hour for four hours, without walking away or looking away or getting away for fifteen minutes to do other work?

Training and education is important part of the Bill and I couldn't agree with Senator Whitmore more. It was a good part of the Bill that we absolutely agreed with and I am sure will stay regardless of what happens.

I would like to address a couple of the Senator's comments, specifically. According to information from the Workers' Compensation Commission, and this is really important for long-range consideration, the Bureau of Labor Standards is presently categorizing worker compensation claims regarding carpal tunnel syndrome and muscular skeletal injuries primarily associated with V.T.D. use. In fact, they found an average of ten to fifteen a month, each month. If you factor that into cost, we are looking at, if you take two-thirds of fifteen thousand dollars, which two-thirds is what workers' compensation pays, is ten thousand dollars a year, one hundred and fifty claims, we are talking potentially a million and a half dollars in worker compensation claims associated with V.D.T. use. There are figures that I received from the Workers' compensation Commission related to the Bureau of Labor Standards. That is this year, next year those claims will still be being paid, but at potentially 1.5 million dollars more. So, it is being done, but can be done better.

Two other governmental entities have V.D.T. legislation. Rhode Island, in fact, has V.D.T. legislation on the books, it is very basic. Very basic referring to education and pamphlets and those kinds of things. Suffolk County in New York has very stringent V.D.T. legislation, far more stringent than what we considered. The Bill that we have is stronger than the mild language that Rhode Island uses and not nearly as close as what New York does. Why should we do this, the good Senator from Androscoggin, asked? I have been saving this for a while, so I might as well use it up now. Why should we do this? Why should we be the first, even though we are not? In the State of Maine, we were the first with the bottle in the east, second in the nation. The good Governor of the State of Maine sponsored that legislation. We are presently looking to expand that legislation. We were the leaders in that area. No other state in another area has a state-wide work search requirement that in 1987 this Legislature passed. In fact, tonight, in supplement number forty-two we will be considering expanding that. There are a number of other areas that the state has been first in. I think at this point I would like to stop because this is going to be an ongoing discussion.

I would just like to end by saying a couple things. First of all, on another part of this legislation that I omitted, we wanted to be especially careful that we did not impact small businesses. We made sure that we didn't do that by having this law apply to only businesses that have twenty-five or more terminals. The Amendment, in fact, will say twenty-five or more terminals in one location. Small businesses will not be impacted by this. To have twenty-five or more terminals in one location, you are generally not a small business, especially if you have twenty-five or more terminals in which a person is working four consecutive hours each day on this. I think that this is very basic, reasonable, and sound legislation. It is a good first step to address a serious concern that we are

going to have in the United States for a long time. Thank you very much.

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. I think one of the basic questions is, when are we going to deal with this issue? The issue is not going to go away. Offices all over this country and certainly in Maine are changing and have changed very rapidly over the last twenty years. Are we going to deal with this issue now, while we can have a cost saving on workers' compensation claims? Or, are we going to wait until it is very clear to us where some of the new workers' compensation claims are coming from? Today's offices have changed, it used to be the typewriter. People in an old office used to get up, they did filing, they did clerical work, they did typing, they were up and on their feet throughout the day. We didn't notice the same repetitive types of motions that you see in a V.D.T. workplace.

A new science has come into the office and that is fitting a worker to the worker's environment. That is what this whole issue is about. We have a question now of where the cost is going to come. Are we going to take the cost in the health of our work force and pay for it down the road in workers' compensation claims? Or, are we going to take the few, very first initial steps now that should, for the most part, not really levy a cost? A first step in education, a first step if there is a necessity for a specific type of equipment. Something very basic, that problem will be addressed. In Ohio, they do keep statistics on categories of work. In the V.D.I. workplace, there is an eighty-one percent incident increase in carpal tunnel. There are neurological problems, muscular skeletal problems, visual problems, where we get this information, those same reams of information that the good Senator from Androskoggin, Senator Whitmore, was referring to, have references of hundreds and hundreds of books and articles and pamphlets, not by the doctors that showed up at our hearings, but certainly by doctors who have a background in this very field. Laboratory for Back Research, Medical Department, the University of Copenhagen in Denmark, Working Posture and Muscular Skeletal Problems of V.D.T. Operators, New York University, Department of Occupational Health and Safety School of Education, Associate Director, Occupational and Industrial Orthopedic Center, Hospital for Joint Disease, New York. These are articles that are documenting the problems that we have coming, some of them are already here. How long are we going to wait to recognize that we, indeed, do have a problem?

There was a time when in order to cut a cord of wood, you had to use an axe. There were safety rules in using an axe. Today we use a chain saw, we have changed our tools of doing business and because of that we have to readdress the laws of safety and the rules of safety of running those new tools. We prevent now, or we pay later. I am hearing about workers' compensation costs all over my district. To me, this is a preventative measure. It is a measure in preventative medicine and that seems to be the rage these days, look at it now and try to eliminate the cost before we have it. I would encourage you, for the health of the work force in Maine and for the cost of those insurances that are tied up with workers' compensation, that you consider this very first step and Accept this Report. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I had no intentions of opposing the Majority Report, and I did plan to offer an Amendment in regards to this particular Report, but one question keeps bothering me and that is if it is such a health hazard to people that are working with these video display terminals, why would the Committee draw the line at two hundred and fifty employees if it is a health hazard? If it is a health hazard for one employee, I would think that it would be a health hazard for two hundred and fifty-one employees. I don't know why you would want to draw the line at that particular area. I don't plan on opposing the Majority Report in first reading, but I was just curious as to what the determination was as far as drawing the line on the number of employees.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. First of all, to address the questions specifically, we did not draw any lines at the number of employees. Two hundred and fifty or two hundred and fifty-one was not mentioned. Those were in Bills that had to do with other issues. We drew no lines at two hundred and fifty. We did draw a line at twenty-five terminals and that is true. What the good Senator from Penobscot, Senator Baldacci, refers to and why draw that line at twenty-five, why not have it for each and every business whether they had one terminal or ten is a valid question. To answer that, first of all, we never used the phrase definite health hazard. There is not enough proof to say that V.D.T.'s are a definite health hazard. There is no doubt that there are legitimate concerns and very real concerns and potential hazards that may exist. What we wanted to do in this Bill, to be perfectly frank, is to have a basic reasonable conceptual Bill that would not handicap particularly small businesses until more information is gathered. This Bill will be easier in a beginning way if we make sure that there is not possibility that small businesses would be impacted. So, that was the reasoning. It was give as much as you can, to get the concept across.

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. One point that I did want to make to add to what the good Senator from Cumberland, Senator Esty, said, concerning the twenty-five work stations. I think the idea is that a smaller office, very often you will have one employee doing multiple tasks and those tasks will take that person away from his or her desk. So, you don't have the many continued hours of repetition doing the very same thing without any breaks. That is why that particular aspect, concerning the twenty-five terminals was included. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I always get a little concerned when I hear something being a little bit more stressful than something else and therefore we have to develop legislation because of the stressful nature of the situation. The video display terminal being a new product can cause some concerns, it is not a health hazard, but it can cause some concerns so we have to somehow protect the people that are working on that. There are a lot of people throughout the State of Maine who are digging ditches and I submit to you that it a very difficult

and tiresome job and can cause some back problems, or at least some aches and pains. There are jobs that require mats to protect your feet for support, so that your back doesn't hurt. There are jobs that are stressful, whether its insurance, real estate, teaching, there are a lot of people who teach that have to get up and face a class everyday. It is kind of hard and there has been a burnout among teachers in that particular area. There are different stresses with different occupations, but to all of a sudden say to somebody who works with a video display terminal, that if you have twenty-five terminals or more, it is not a health hazard, but we think that we ought to employ some of these standards in your workplace. It is kind of hard, either it is or it isn't. If it is, it should be for everybody who has one. If a restaurant has a microwave and a microwave radiates some type of thing that should be protecting people that work around it, you shouldn't pass a law that says if you have twenty-five microwaves or more you should have these standards, if you don't you shouldn't. Either it does or it doesn't. I just don't understand what the hazard is here that we are talking about. If it is a health hazard, then it should be for all. If it isn't a health hazard, then you should look into it more and I think there should be some reporting. I am even a little bit hesitant about supporting the Majority Report in developing an Amendment that would do some education and training and reporting requirements, because I am not sure whether I want to say it is a health hazard or not. I have to hear a little bit more than what I have heard to support that.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I will be very brief in my remarks. I rise to try to explain to the good Senator from Penobscot, Senator Baldacci, some of the concerns that I think the members of the Majority Report tried to deal with. I, from the outset of this issue, was also concerned about legislation. As the development of this Bill and the public hearing and the testimony and talking to people from all sides of the issue, reminds me of issues in our not too past history with respect with other kinds of occupational diseases. No one thought that black lung disease was a reality, no one thought that working in other types of situations fifty years ago would cause some health hazard for employees. It is a tough issue on where to draw the line and where to begin looking at some of the information available and start to be preventative, as the good Senator from Cumberland, Senator Titcomb, mentioned.

This Bill is a reasonable Bill and I can tell you again the good Senator from Cumberland, Senator Esty, as he has time and time again in the Committee on Labor, has attempted to listen to all viewpoints. To listen to the experts, and there was a lot of expert testimony from all sides. To listen to the members of the Committee and the good Senator from Androscoggin, Senator Whitmore, and other members of the Labor Committee, and to start in a preventative way to recognize the information that is available, to establish some standards that are not prohibitive, not excessive, and may prove to be very worthwhile to the health and safety of a growing population of people involved in the technological revolution we live in. I would urge the members of this Body to give this legislation some real thought, think about history for a minute, about where we are today, what we have come through, what are workers in our society and in our state have gone through, and look at this legislation as a compromise, as a start that realizes

the concerns of the business community, small and large, because this Bill is very fair across the board and with my Amendment will be more fair.

I hope you can support the Majority Report, because I think it does make sense and I think the issue has been very well pointed out by the good Senator from Cumberland, Senator Esty.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I have in my hand a statement from an ophthalmologist and I think one of the big issues that the good Senator from Cumberland, Senator Esty, made reference to in trying to pound this thing out we kind of fell apart when we got to the eye exams and a couple of other issues. We had two ophthalmologists that testified before us and others that we received in writing. I just came across this as a thumb through the file and I think it kind of sums it up from their perspective. A portion of L.D. 661, makes reference to the eye examinations and the comment is, "our profession is at a loss as to how to comply with this since we are unaware of any specific changes from their usage, it would not be certain of what to examine the patients for. The signs and symptoms of these patients are the same as any group of patients who use their eyes intensively for prolonged desk and close work. They may, indeed, require glasses with a focusing distance, a specific for the terminal screen, but this is no different from professionals such as teachers, public speakers, or musicians, who need to work at an arms length as well as that reading distance." I have to take a professional ophthalmologist's word for he is the professional. Who am I to second guess that? We had statements from two in person, three in writing, all stating the same thing and that happens to be one of the key differences between the Majority and Minority Reports. One of the keys. I just couldn't sign onto the Majority Report, knowing full well that a professional is telling me this.

Another point, I think the Senator from Cumberland, Senator Esty made reference to Suffolk County, again, that I remind you that was a county legislation, and I believe that has already gone through the court process and there is a great deal of question that has been laid before the court with regard to that legislation based on a county passage of that legislation. I am not familiar with the Rhode Island law that he mentioned, although I believe from the statement that it was considerably watered down and very minimal at best. Thank you.

Senator WHITMORE of Androscoggin requested a Division.

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. Any of you who have been here for a period of time have heard the same arguments, the same programs, we had the same Bill four or six years ago, and since that time there hasn't been a bit of additional information brought forth. I have heard these very arguments before, I have heard the same stories, and nothing has changed. The Bill was defeated then, and it should be defeated now.

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. I being one of those people who has not been here for a long time must say that it is very strange that the issue keeps

arising, so as the old saying goes, "if there is smoke, perhaps there is a fire out there."

To address some of the concerns that the good Senator from Penobscot, Senator Baldacci, spoke about, I would say that the only way you can liken the effects of V.D.T. over use to a microwave oven, is if you stood with one hand opening the door and shutting it for four hours straight, without changing position. I think that is the only way that this Bill and that issue can be connected. The only way you could liken the ditch digger is to put him or her leaned over in one position for four to eight hours straight, shoveling dirt without a break. Perhaps a teacher standing at the board, writing on the chalkboard, leaning at an awkward angle, hour, after hour, after hour. The issue here is about repetition. It is not about the physical task at hand, the muscular strength required to do a job. It is about getting in one position, day after day, hour after hour, perhaps being too tall for the position you are suppose to be in, too short for it, leaning over, hitting away at the keys with your hands, day after day. The issue here is repetition and that is what this Bill is trying to address. So, I don't see how any other job that does not also deal with that issue of repetition can be likened to this Bill. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. Just to inform the good Senator from Cumberland, Senator Titcomb, that there are people who do stand next to microwave ovens for at least four hours at a time here in the State of Maine.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. Around the later 1950's early 1960's, when colored TV first came into being and all the scare tactics at the time was that if you sat too close to the TV you were going to become sterile. The eye problems will occur and yet to the best of my knowledge, a lot of people, especially those that are not involved in many outside activities, probably go home from work, eat dinner, and sit in front of that same TV in awkward positions, from a little further distance then sitting in front of a V.D.T., but what we are really talking about a TV tube, whether it be arms length away or across the room.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Androscoggin, is right, there were two ophthalmologists who did appear in front of the Committee. One testified in favor of the Bill, because of the concerns that he had. The other did speak in opposition. There was a difference of opinion and that is one of the reasons why we did not focus on eye strain as a major issue, only as a basic concern that should be addressed.

Secondly, for the benefit for the people like the Senator from Androscoggin, in the definition of the word terminal, just so that we are crystal clear, we said that this term, the term terminal, does not apply to televisions, cash registers or memory typewriters, we aren't talking about televisions here. We all know what we are talking about and we all know that there are legitimate concerns. Thank you.

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 as ordered.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, HOLLOWAY, LUDWIG, RANDALL, TWITCHELL, WEBSTER, WHITMORE

ABSENT: Senators GOULD, PERKINS, WEYMOUTH

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-563) READ.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment allows for the education of the employee and training as provided for in the original Bill, where the employer shall establish an education and training program for all operators. The training and education shall be provided both verbally and in writing and shall include at a minimum notification of the rights and duties created under the subchapter by posting in a prominent location in the workplace, a copy of this subchapter and a written notice which explains these rights and duties in plain language. An explanation or description of the proper use of terminals and the protective measure which the operator can take to avoid or minimize symptoms or conditions which may result from extended or improper use of terminals. The Bureau shall recommend to employers for use and education and training programs, occupational safety literature that provides appropriate current and pertinent data on terminal use. The Bureau shall also serve as a clearing house for information regarding workplace safety and health relative to the use of these terminals. An employer shall provide current operators with this education and training program within six months after the effective date of this subchapter and annually thereafter beginning six months after the effective date of this subchapter. Employers shall provide all new operators with training and educational program within the first six months of employment of the operators. It also calls for the Bureau of Labor and the Department of Workers' Compensation Commission to develop the report on the data to the Joint Standing Committee of the Legislature having jurisdiction over it. One thing that I get from continually reading this information as for the State of California memorandum

that was done in regards to the video display terminals that was done on May 31, 1989, the thing that keeps glaring in my face is the fact that with a little bit of preventative medicine and a little bit of employee education and training, this use of this particular equipment can be very beneficial to everybody involved. It is not a health hazard, but there should be some things, and I think the Amendment that I am offering is going to set into motion that employee education and training and at the same time because of the concern of workers' compensation filings and those types of things, to have the Department of Labor and the Workers' Compensation Commission to compile the data and submit it to the Committee. That is basically what the Amendment does.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The Senator from Penobscot, Senator Baldacci's, Amendment takes away any part of the concern of the Bill. The Senator from Kennebec, Senator Matthews, will have an Amendment to offer in a moment, I hope, that will make this Bill what it should be. A Bill that addresses serious concerns, but in a basic fundamental way. I would ask that the Body defeat the Amendment that Senator Baldacci is offering, so that Senator Matthews can offer his Amendment afterward. Thank you.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge you to Adopt the so-called Baldacci Amendment if you would. As I am aware, at least although I have not seen it, it is my understanding that the Amendment that will be offered by another member of the Body referred to by the good Senator from Cumberland, Senator Esty, really does little to the original Committee Amendment that you just recently Adopted. It does water down the vision testing to every two years as opposed to an annual basis developing that base line vision test and on a two year basis thereafter. The Amendment offered by the good Senator from Penobscot, Senator Baldacci, is the direction that we should be going with and should have gone with in the beginning. Thank you.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BALDACCII of Penobscot, to ADOPT Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563).

A Division has been requested.

Will all those Senators in favor of the motion by Senator BALDACCII of Penobscot, to ADOPT Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563), please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator BALDACCII of Penobscot, to ADOPT Senate Amendment "A" (S-308) to Committee Amendment "A" (H-563), PREVAILED.

Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-308) thereto, ADOPTED in NON-CONCURRENCE.

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

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

House

Ought Not to Pass

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

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Laws Governing the Purchase of Liquor from Agency Liquor Stores"

H.P. 1239 L.D. 1731

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Issue a General Fund Bond Issue in the Amount of \$5,000,000 to Fund a Property Tax Deferral Revolving Fund for Elderly Persons"

H.P. 879 L.D. 1222

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Development and Implementation of Solid Waste Site Acquisition"

H.P. 854 L.D. 1186

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund Asbestos Removal in State Facilities and Public Schools"

H.P. 551 L.D. 748

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills"

H.P. 493 L.D. 673

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Municipal Service Piers"

H.P. 1020 L.D. 1421

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Promote Accountability in the Use of Excess Insurance"

H.P. 473 L.D. 638

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-595).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-595) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on HUMAN RESOURCES on Bill "An Act Relating to the Collection of Specified Health Care Information"

H.P. 32 L.D. 32

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-596).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-596) READ and ADOPTED, in concurrence.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Establish a Demonstration Project at the York Hospital" (Emergency)

H.P. 196 L.D. 276

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-598).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-598) 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 HUMAN RESOURCES on Bill "An Act to Establish a Program to Prevent Spousal Impoverishment" (Emergency)

H.P. 1224 L.D. 1696

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-594).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-594).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-594) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Create the Maine Family Development Foundation" (Emergency)

H.P. 1226 L.D. 1698

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-597).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-597) READ and ADOPTED, in concurrence.

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

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

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 HUMAN RESOURCES on Bill "An Act to Authorize the Department of Human Services to Implement the Provisions of the United States Family Support Act of 1988"

H.P. 767 L.D. 1071

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-592).

Signed:

Senators:

GAUVREAU of Androscoggin

TITCOMB of Cumberland

Representatives:

MANNING of Portland

ROLDE of York

BOUTILIER of Lewiston

CLARK of Brunswick

BURKE of Vassalboro

CATHCART of Orono

PEDERSON of Bangor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-593).

Signed:

Senator:

RANDALL of Washington

Representatives:

DELLERT of Gardiner

HEPBURN of Skowhegan

PENDLETON of Scarborough

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-592).

Which Reports were READ.

On motion by Senator GAUVREAU of Androscoggin, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-592) READ.

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

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to call your attention to this L.D. 1071. Last Session, this Legislature, following the lead of the Governor, enacted ASPIRE, a law which created one of the first welfare reform programs in the country. Working in concert with the Department of Human Services and the Department of Labor, these two Departments working together drafted rules, developed contractual relationships, trained over a thousand of their staff and began implementation of the ASPIRE program, which the Legislature had supported on October 1, 1988. Over the past eight months, the

program has evolved and the change to meet the needs of AFDC women and their children. The federal government, meanwhile, has also enacted a federal welfare reform Bill last fall. Their rules are not yet even finalized. Despite that and despite the good faith and hard work of people providing services to these families, those who had endorsed the Majority Report would perhaps prematurely define ASPIRE while the Report is not yet in on how and where and in what fashion the rules should be devised. The Majority Amendment, uses the complaints which have come from a few from those experiencing the short life of this program and would potentially harm our ability to serve all of those who would volunteer for services in this innovative and evolving program. I would urge that we might not prematurely and hastily define how this program is implemented.

Senator RANDALL of Washington requested a Division.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. Although the hour is late and I have a suspicion that the membership probably does not wish prolonged discussion on this issue, as Committee chair of the Human Resources Committee, I think I have an obligation to explain the rational underpinning the Majority Report. Before I do that, let me address the comments by my good friend and colleague from Washington, Senator Randall. Senator Randall noted that this Legislature, in response to the Governor's leadership, adopted a welfare reform package under the name ASPIRE, and of course that is a correct statement. It is also true, and I would point out rather hastily having worked for about a month in the waning days of the session last year, that the Democratic and Republican members of the Joint Standing Committee on Human Resources worked long hours trying to articulate which was at best a skeletal piece of legislation when it was submitted to our Committee with three and a half weeks to go until the end of the Legislative Session. This matter still remains in my memory, since it wasn't until the very last day of the session last year that we were finally able to put together language to the agreement of the Governor's office and the Legislative Committee. There were some misgivings expressed by myself and others in Committee last year. We questioned the need for what we felt was perhaps rushing through legislation in the last few weeks of a busy Legislative Session. We wondered why it wouldn't be more appropriate to defer this matter until this particular Legislative Session, when we would have appropriate time to discuss all the nonces and all the implications of the legislation.

And mind you, we are talking about the lives and the well-being of thousands of men and women in our state who are reliant upon participation in the AFDC program for them to subsist and hopefully carve out for themselves a better life. So, this matter is of the utmost concern to all members of my Committee. It turned out that the legislation, which was enacted, was done so really contingent upon a variety of representations made to the Committee that the Department of Human Services, in implementing the program, would make certain that program participants were afforded a full range of benefits and a full range of services so that they could meaningfully take part in ASPIRE and, in fact, improve their life.

Now, we have seen to our consternation a series of problems with ASPIRE since its Adoption. Although some people have criticized the Legislature for being

as what they allege as partisan in our commentary, the fact of the matter is, that as responsible Legislators we have to hear concerns, assimilate various data, and make reasonable and informed judgements. We have done that, although in the discharge of that responsibility we have been chastised by some as being partisan.

There have been some accomplishments under ASPIRE and we should note those and we should credit the Department of Human Services for the improvement in the laws of program participants. Over six hundred people have, in fact, found employment and gone through the ASPIRE program and that is truly an accomplishment. Also, the Department has met its goal in placing people in starting jobs which begin at hourly wages of five and a half dollars or more. There have also been some very serious problems with the program. Problems which persist to this very day. People have experienced very long delays in entering the program whereas under the predecessor program, in which people could get into the program in a matter of two or three weeks. It is not uncommon for delays of some six months to occur now before people can get into the ASPIRE program. The program has been saddled with chronic problems dealing with support services, transportation, child support, clothing, insurance, programs or services which are essential to allow participants to enter into employment and training programs.

Furthermore, the program has not been cost effective in some areas. Under ASPIRE, it is not uncommon for people to undergo assessments to determine their capacity for job training. Those assessments are being charged out at an average of three hundred and seventy-five dollars, whereas under the prior program those assessments were done at no cost whatsoever under the auspices of adult education. Beyond that, there have been excessive and unreasonable delays in securing reimbursement for program participants for support services, such as child care, transportation, and other items. These delays have solicited significant complaints from providers who are not being reimbursed on a timely basis. This has tangible aspects and problems for people who take part in ASPIRE. The Committee heard evidence of several unfortunate occurrences. For example, we learned of a woman who is taking part in ASPIRE and as part of her support services was allowed a clothing voucher by the Department under the auspices of ASPIRE. The woman went to a store, attempted to purchase clothing with the voucher and as she was at the checkout line, she was told that the store would not honor the ASPIRE voucher, because of delays in receiving reimbursement for the program. This is not an isolated occurrence, in fact, it was a widespread occurrence.

The Human Resources Committee attempted, in fashioning the Majority Report, to address these concerns. The legislation before you today addresses the problem of unnecessary assessment. It also prohibits the practice which had occurred under ASPIRE whereby the Department of Human Services would negotiate with program participants what benefits they would be entitled to under the program. It was very clear to members of the Human Resources Committee that under federal law there are certain entitlements that participants had and those benefits or services should not be subject to negotiation. Beyond that, the Majority Report requires the Department to develop rules to insure that services are provided to all program participants and providers on a timely basis.

It should be pointed out that the Majority Report continues the medical transition program, and

provides a clear notice of benefits under that program to all people who engage in the ASPIRE program. The majority of the Committee certainly recognized that ASPIRE is a very important program and we all share a common desire to make sure that the program is properly implemented to benefit the lives of all the program participants.

We, on the Majority Report, believe very strongly that the recommendations that we have made, which are contained in the Majority Report, address the problems that I have pointed out to the Senate this evening. It is for these very reasons that I urge this Body to Accept the Majority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is to ADOPT of Committee Amendment "A" (H-592). A Division has been requested.

Will all those Senators in favor to ADOPT Committee Amendment "A" (H-592), 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 10 Senators having voted in the negative, Committee Amendment "A" (H-592) was ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Reform the Workers' Compensation Law to Prevent Mandatory Relocation and Family Hardship"

H.P. 675 L.D. 924

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-581).

Signed:

Senators:

- ESTY of Cumberland
- MATTHEWS of Kennebec

Representatives:

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

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

Signed:

Senator:

- WHITMORE of Androscoggin

Representatives:

- BUTLAND of Cumberland
- REED of Falmouth
- MCCORMICK of Rockport

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581).

Which Reports were READ.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies"

S.P. 312 L.D. 817

(C "A" S-316)

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-316).

In Senate, June 16, 1989, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316).

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

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

Non-concurrent Matter

Resolve, to Establish the School Organization Study Committee (Emergency)

S.P. 534 L.D. 1469

(C "A" S-270)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270) AS AMENDED BY HOUSE AMENDMENT "A" (H-576) thereto, in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Implement Recommendations Proposed by the Blue Ribbon Commission on the Regulation of Health Care Expenditures"

S.P. 348 L.D. 920

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-326).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-326) 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:

ENACTORS

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

An Act to Require a Permit to Hunt for Bear Prior to the Firearm Season on Deer

H.P. 116 L.D. 153

(C "A" H-525)

An Act to Prohibit Local Assessors from Using the Phantom House Lot Method of Valuation

H.P. 368 L.D. 499
(C "A" H-528)
An Act Regarding the Review of the Workers' Compensation Denials

H.P. 919 L.D. 1285
(H "A" H-540 to C "A" H-439)

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

An Act to Promote Marine Research
S.P. 106 L.D. 140
(C "A" S-240; H "A" H-536)

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

An Act to Increase the Property Tax Exemption for Veterans

H.P. 713 L.D. 974
(C "A" H-534)

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

An Act Concerning Law Enforcement Training
S.P. 431 L.D. 1142
(C "A" S-286)

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

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

ENACTORS

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

An Act Concerning Atlantic Salmon
H.P. 993 L.D. 1382
(C "A" H-520)

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; H "B" H-532)

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
(H "A" H-515 to C "A" H-497)

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

An Act to Amend Certain Laws Affecting the Department of Environmental Protection

H.P. 988 L.D. 1366
(C "A" H-529)

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

An Act to Provide a Minimum Level of State Educational Funding for Schools

H.P. 1033 L.D. 1439
(C "A" H-517)

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

An Act to Facilitate Collaboration Among School Agencies and Community Leaders Working on Behalf of At-risk Children

H.P. 1164 L.D. 1618
(C "A" H-519)

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

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

ENACTORS

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

Resolve

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

H.P. 1095 L.D. 1528
(C "A" H-522)

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

Emergency

An Act Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation

H.P. 225 L.D. 305
(H "A" H-535 to C "A" H-404)

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

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

ENACTORS

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

Emergency

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
(C "A" H-526)

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

Emergency

An Act Increasing Indebtedness of Berwick Sewer District

H.P. 1064 L.D. 1486
(C "A" H-509)

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.

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 Creating the St. Francis Water District
H.P. 1200 L.D. 1667
(C "A" H-456; H "A" H-538)

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 Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws

H.P. 1217 L.D. 1689
(H "A" H-539 to C "A" H-476)

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.

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

ENACTORS

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

Emergency

An Act to Amend the Charter of the Canton Water District

S.P. 609 L.D. 1703
(H "A" H-542 to C "A" S-247)

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 Resolve

Resolve, to Create a Commission to Study Crab Fishing in Maine

H.P. 1034 L.D. 1440
(C "A" H-530)

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

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 Relating to Workers' Compensation Insurance

S.P. 122 L.D. 188
(C "A" S-264)

Which was 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Fund a Capital Grants Program to Solid Waste Regional Commissions and Municipalities to Invest in Recycling Equipment and Facilities"

H.P. 497 L.D. 677

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-608).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-608) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,400,000 for Sewerage Facilities Construction"

H.P. 801 L.D. 1113

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-607).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-607) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Protect the People of Maine from Exposure to Radioactive Waste"

H.P. 1141 L.D. 1584

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-605).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-605) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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.

The Committee on LEGAL AFFAIRS on Bill "An Act Regarding Special Seasonal Agency Liquor Stores"

H.P. 1246 L.D. 1739

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-602).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-602) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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 Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws"

H.P. 1225 L.D. 1697

(C "A" H-514)

In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "A" (H-601) thereto, in NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the Senate ADHERED.

(See Action Later Today)

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 16, 1989

The Honorable Charles P. Pray
President of the Senate of Maine

State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Sally G. Vamvakias of Falmouth, for appointment to the University of Maine Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10
NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sally G. Vamvakias of Falmouth, for appointment to the University of Maine Board of Trustees be confirmed.

Sincerely,

S/Stephen C. Estes
Senate Chair

S/Nathaniel Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Sally G. Vamvakias of Falmouth, for appointment to the University of Maine Board of Trustees, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GOULD, PERKINS, WEYMOUTH

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Sally G. Vamvakias, for appointment to the University of Maine Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON EDUCATION

ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 16, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Ralph Hodgkins, Jr. of Auburn, for appointment to the University of Maine Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10
NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ralph Hodgkins, Jr. of Auburn, for appointment to the University of Maine Board of Trustees be confirmed.

Sincerely,

S/Stephen C. Estes Senate Chair
S/Nathaniel Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Ralph Hodgkins, Jr. of Auburn, for appointment to the University of Maine Board of Trustees, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GOULD, PERKINS, WEYMOUTH

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Ralph Hodgkins, Jr., for appointment to the University of Maine Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

On motion by Senator MATTHEW of Kennebec, the Senate RECONSIDERED whereby it ADHERED on:

Bill "An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws"

H.P. 1225 L.D. 1697
(C "A" H-514)

(In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514), in concurrence.)

(In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "A" (H-601) thereto, in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator WEBSTER of Franklin to ADHERE.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 16, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Duane "Buzz" Fitzgerald of Bath, for appointment to the University of Maine Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10

NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Duane "Buzz" Fitzgerald of Bath, for appointment to the University of Maine Board of Trustees be confirmed.

Sincerely,

S/Stephen C. Estes Senate Chair
S/Nathaniel Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Duane "Buzz" Fitzgerald of Bath, for appointment to the University of Maine Board of Trustees, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GOULD, PERKINS, WEYMOUTH
No Senators having voted in the affirmative and
32 Senators having voted in the negative, with 3
Senators being absent, and None being less than
two-thirds of the Membership present, it was the vote
of the Senate that the Committee's recommendation be
ACCEPTED and the nomination of Duane "Buzz"
Fitzgerald, for appointment to the University of
Maine Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the
House.

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 Procedure for Approval of the
Lincoln County Budget

H.P. 1250 L.D. 1748

Comes from the House Bill and Accompanying Papers
RECOMMENDED to the Committee on STATE AND LOCAL
GOVERNMENT.

On motion by Senator BERUBE of Androscoggin, the
Bill and Accompanying Papers RECOMMENDED to the
Committee on STATE AND LOCAL GOVERNMENT, in
concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act Relating
to Drug Testing"

H.P. 609 L.D. 833

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-599).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-599).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-599) READ and ADOPTED,
in concurrence.

Under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

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

H.P. 123 L.D. 160

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-577).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-577) AS AMENDED
BY HOUSE AMENDMENT "B" (H-606) thereto.

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-577) READ.

House Amendment "B" (H-606) to Committee
Amendment "A" (H-577) READ and ADOPTED, in
concurrence.

Committee Amendment "A" (H-577) as Amended by
House Amendment "B" (H-606) thereto, ADOPTED, in
concurrence.

Under suspension of the Rules, READ A SECOND TIME.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator CLARK of Cumberland, the
Bill and Accompanying Papers RECOMMENDED to the
Committee on TRANSPORTATION in NON-CONCURRENCE.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Establish a Commission on State
Finance" (Emergency)

H.P. 1113 L.D. 1546

(C "A" H-423)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423), in
concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-423) AS AMENDED
BY HOUSE AMENDMENT "A" (H-558) thereto, in
NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Revise the Communicable Disease
Law"

H.P. 1122 L.D. 1554

(C "A" H-408)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408), in
concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-408) AS AMENDED
BY HOUSE AMENDMENT "A" (H-609) thereto, in
NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin,
Tabled 1 Legislative Day, pending FURTHER
CONSIDERATION.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering" (Emergency)

H.P. 1252 L.D. 1751

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-613).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-613) 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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Protect Ground Water Quality and Public Health Through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills"

H.P. 968 L.D. 1346

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-610).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-610).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-610) READ and ADOPTED, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1989 (Emergency)

H.P. 1261 L.D. 1757

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

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

Which Report was READ and ACCEPTED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (Emergency)

H.P. 1262 L.D. 1758

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1989 (Emergency)

H.P. 1263 L.D. 1759

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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 Clarify the Subdivision Laws"

H.P. 1174 L.D. 1628

(C "A" H-521)

In Senate, June 15, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521) AS AMENDED BY HOUSE AMENDMENT "A" (H-614) 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

House Papers

Bill "An Act Transferring Concurrent Legislative Jurisdiction over Brunswick Naval Air Station"

H.P. 1266 L.D. 1761

Committee on JUDICIARY suggested and ORDERED PRINTED.

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

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (6/15/89)

SENATE REPORT - from 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

REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-289)

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

Pending - ACCEPTANCE OF THE REPORT

(In Senate, June 15, 1989, Report READ.)

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-289) READ and ADOPTED.

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

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (6/15/89)

SENATE REPORTS - from 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

Majority Report - Ought to Pass as Amended by Committee Amendment "A" (S-295)

Minority Report - Ought Not to Pass

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

Pending - motion of Senator ESTY of Cumberland to ACCEPT Majority Ought to Pass as Amended Report.

(In Senate, June 15, 1989, Reports READ.)

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-295) READ.

Senate at Ease

Senate called to order by the President.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I extend my apologies to you for having been lost. Senate Amendment S-295, to L.D. 855, extends the period of time, and there is a reporting period, for claims. There is a provision called excusable neglect, where someone fails to, for some unknown reason, or it may be a delay in discovering that the injury was due to job related problems, this Amendment extends from thirty days, one hundred and eighty days longer, for a total of two hundred and ten days, better than six months. Through that period of time, if it, in fact, is a safety defect that is already in the workplace, it would seem to me that the sooner the employer is notified, the quicker the defect can be corrected.

In the statement of fact it says if it is extended, that witnesses to the accident that are going to be interviewed on how the accident occurred, was it job related, one hundred and eighty days, six months down the road, could very well no longer be with the company. So, expediency in reporting the claims and getting a move on the correction of the safety problem, and the ability to interview the witnesses, I don't believe needs to be extended for another six months. Therefore, I would urge, ladies and gentlemen, that you vote against the pending motion.

Senator WHITMORE of Androscoggin requested a Division.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The Bill is

an Act relating to Notice of Injury. The original Bill used actual prejudice as a standard. That standard was too broad. The Labor Committee looked at it, and decided to compromise to an excusable neglect standard. Presently, employers have the excusable neglect standard regarding notice of injuries. This Bill gives employees the same standard exactly. It also limits the standard if the employer is in any way adversely impacted. It is also limited to one hundred and eighty days for the employee, where the employer has no limits of time. The standard could be used for years. Thank you Mr. President.

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. This legislation before the Body tonight is the work product of the Joint Standing Committee on Labor as a result of legislation which I offered to effect an Amendment of our workers' compensation statute. My goal and objective, in my sponsorship of this legislation, has been to introduce an element of fairness in the way that workers' compensation claims are resolved and processed in our state. I would point out that in the preceding Legislative Session, I sponsored legislation which was enacted and is now part of our law which would allow employers certain discretion and certain relief from arbitrary deadlines set forth in our workers' compensation law. Last year our law was such that if an employer did not, within a certain period of time, I believe it was forty-four days, file an appropriate notice of controversy of a claim of an injured worker, then that employer even if the employer had reasonable grounds not to have filed the notice of controversy in a timely fashion, that employer would automatically assume total financial responsibility for the employees injuries.

I sponsored that legislation because I recognized the fundamental unfairness in an arbitrary deadline. Those concerns prompted me to sponsor the legislation before the Senate this evening, this time on behalf of injured workers. What should be pointed out and let no one in this Body leave tonight unless you understand the fundamental unfairness involved here. If an injured worker does not comply with the precise requirements set forth in our law court, which says there has to be specific notice as to time, as to occurrence. Now, if a worker does not comply with the requirements of our statute, then that worker can receive not one penny in his or her lifetime, ever, for that work related injury. There have been all too many cases in our state when workers, in fact, did not meet the requirement.

I am familiar with a case personally when a worker suffered what was thought by all concerned to be a heart attack, the worker spent seven days in intensive care in the hospital, the worker within thirty days of being discharged from the hospital did give notice to the employer that met the requirements of our statute, however, it was thirty-four days after the injury occurred. The law court said, we are sorry, the Legislative intent is clear, you file notice within thirty days or you lose, period. That type of arbitrariness, that type of rank unfairness, is fundamentally offensive to me. As long as I am in this Legislature, I will seek forcefully to introduce an element of equity in our process. The law should be fair, fair to the employers, fair to the third party payers, and fair to employees.

What should also be pointed out is this legislation, if Enacted, would not automatically extend the period of giving notice to six months, the

employee seeking relief under this section would bear the burden of proof. He or she would have to come in and persuade the Commission that there was no prejudice to the employer. So that if witnesses were unavailable, and those witnesses were material to the defense from the employer, than the employee would not be entitled to relief. Furthermore, the employee would have to justify his or her request for relief under this section. They would have to give good cause, excusable neglect as to why the notice was not filed in a timely fashion. What we are talking about here is primarily giving to men and women in our state, who may not be perhaps as fluent as I am in the law, they would have the right to have their claim processed fairly in our system of compensation. It is to address this type of rank injustice that I offer this legislation and I urge you this evening to support Adoption of Committee Amendment "A" (S-295). Thank you.

THE PRESIDENT: The pending question before the Senate is to ADOPT Committee Amendment "A" (S-295).

A Division has been requested.

Will all those Senators in favor to ADOPT Committee Amendment "A" (S-295), please rise in their places and remain standing until counted.

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

18 Senators having voted in the affirmative and 11 Senators having voted in the negative, Committee Amendment "A" (S-295) was ADOPTED.

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

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (6/15/89)

SENATE REPORT - from 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

Report - Ought to Pass as Amended by Committee Amendment "A" (S-293)

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

Pending - ACCEPTANCE OF THE REPORT

(In Senate, June 15, 1989 Report READ.)

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-293) READ.

On motion by Senator ESTY of Cumberland, Senate Amendment "A" (S-321) to Committee Amendment "A" (S-293) READ and ADOPTED.

Committee Amendment "A" (S-293) as Amended by Senate Amendment "A" (S-321) thereto, 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:

ENACTORS

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

An Act to Increase the Motor Vehicle Inspection Fees

H.P. 49 L.D. 70
(C "A" H-470)

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Senate at Ease
Senate called to order by the President.

On motion by Senator THERIAULT of Aroostook, the Bill and Accompanying Papers RECOMMITTED to the Committee on TRANSPORTATION in NON-CONCURRENCE.
Sent down for 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 Increase the Compensation for Part-time Deputy Sheriffs

H.P. 788 L.D. 1100
(C "A" H-209)

Which was 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:

SENATE PAPERS

Bill "An Act to Amend the Norridgewock Water District Charter"

S.P. 655 L.D. 1762

Presented by Senator WEBSTER of Franklin
Cosponsored by Representative RICHARD of Madison
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Committee on UTILITIES suggested and ORDERED PRINTED.

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

Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

Which was PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Sent down for concurrence.

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

SECOND READERS

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

House As Amended

Resolve, Concerning the Development of a New Master Plan for the Capitol Area (Emergency)

H.P. 1172 L.D. 1626
(C "A" H-551)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Reform the Workers' Compensation Law to Prevent Mandatory Relocation and Family Hardship"

H.P. 675 L.D. 924

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-581).

Minority - Ought Not to Pass.
Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT
(In Senate, June 16, 1989, Reports READ.)
(In House, June 16, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581).)

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

The Bill READ ONCE.

Committee Amendment "A" (H-581) READ.

On motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-327) to Committee Amendment "A" (H-581) READ.

Senate at Ease

Senate called to order by the President.

On motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-327) to Committee Amendment "A" (H-581) ADOPTED.

Committee Amendment "A" (H-581) as Amended by Senate Amendment "A" (S-327) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

Resolve, to Establish the School Organization Study Committee (Emergency)

S.P. 534 L.D. 1469
(C "A" S-270)

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270).)

(In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270) AS AMENDED BY HOUSE AMENDMENT "A" (H-576) thereto, in NON-CONCURRENCE.)

On motion by Senator ESTES of York, the Senate RECEDED FROM PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED FROM ADOPTION of Committee Amendment "A" (S-270).

House Amendment "A" (H-576) to Committee Amendment "A" (S-270) READ and ADOPTED.

Committee Amendment "A" (S-270) as Amended by House Amendment "A" (H-576) thereto, ADOPTED, in concurrence.

On motion by Senator ESTES of York, Senate Amendment "A" (S-328) READ and ADOPTED.

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

Sent down for concurrence.

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

Bill "An Act to Establish a Commission on State Finance" (Emergency)

H.P. 1113 L.D. 1546
(C "A" H-423)

Tabled - June 16, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION
(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423), in concurrence.)

(In House, June 16, 1989 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423) AS AMENDED BY HOUSE AMENDMENT "A" (H-558) thereto, in NON-CONCURRENCE.)

On motion by Senator PEARSON of Penobscot, the Senate RECEDED and CONCURRED.

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

SENATE PAPERS

Bill "An Act to Exempt Certain Persons from the Restoration to Service Laws"

S.P. 656 L.D. 1764

Presented by Senator BERUBE of Androscoggin
Cosponsored by Senator GAUVREAU of Androscoggin
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, June 19, 1989, at 10:00 in the morning.